

# Domestic Dignity

Human Rights In Asian American Advocacy



**Korematsu Institute**  
AT THE ASIAN LAW CAUCUS

ASIAN  
LAW CAUCUS  MEMBER OF  
ASIAN AMERICAN CENTER  
FOR ADVANCING JUSTICE

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Human Rights in Asian American Advocacy

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AT THE ASIAN LAW CAUCUS

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## About the Korematsu Institute

The Fred T. Korematsu Institute for Civil Rights and Education advances the cause of pan-ethnic civil rights and human rights, in a post-9/11 context, through programs focused on education, activism and leadership development.

In 1942, Fred Korematsu had the courage to take an unpopular stand for racial justice by resisting the internment of 120,000 Japanese-American citizens during World War II. He was denied his freedom by the nation's highest court, which validated the wholesale imprisonment of Japanese-American citizens on the basis of "military necessity."

In 1983, the Asian Law Caucus was a key member of the legal team that vindicated Fred's refusal to obey the racially discriminatory internment orders. Judge Marilyn Patel of the U.S. District Court in San Francisco overturned the 1942 conviction in response to a writ of *coram nobis* (correcting a judgment on the grounds of factual error). Fred's forty-year struggle for justice is a constant reminder that Asian Americans and other communities of color in America cannot take their civil rights for granted.

The Asian Law Caucus launched the Korematsu Institute on April 30, 2009 to commemorate the 25th anniversary of the reversal of Korematsu's conviction.



Photo by Shirley Nakao, Courtesy of the Korematsu Institute.

**Fred Korematsu with the Presidential Medal of Freedom, 1988.**

## Acknowledgements

This report was written by Puja Dhawan, former Senior Program Officer at the U.S. Human Rights Fund at Public Interest Projects (she is now Initiatives Manager for Women and Girls at the NoVo Foundation) with guidance from Titi Liu, Executive Director of the Asian Law Caucus and Ling Woo Liu, Director of the Korematsu Institute for Civil Rights and Education.

We are grateful to the many courageous and busy advocates who took the time to share their insights with us. We have tremendous admiration for their work, and look forward to continued fruitful collaborations in the future. Their names are listed at the end of the report.

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Finally, we extend our deepest gratitude to Fred Korematsu and his daughter, Karen Korematsu. We are inspired every day by the leadership they have provided in the ongoing struggle for civil and human rights.

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## Foreword

In the past decade, activists, funders and policymakers in search of more effective perspectives and tools to create positive social change in their communities have increasingly turned to human rights tools. These tools such as fact-finding, litigation, organizing and advocacy in reference to international human rights law and norms, had previously been employed by U.S.-based activists working in international contexts, but had not been applied closer to home in U.S. communities and jurisdictions.

A number of successful examples have emerged of organizations using these tools in an effective effort to reduce poverty, promote workers' rights and environmental justice, abolish the death penalty and end discrimination. Many questions remain, however, about the effectiveness of human rights frameworks as communications and organizing strategies. For the most part, Asian American social justice advocacy groups have not mobilized these frameworks as organizing, advocacy or litigation tools.

Furthermore, the role of these strategies for Asian American advocacy groups may play out differently than it does for other types of organizations. On the one hand, immigrant constituencies and advocates from certain countries may bring to the U.S. a fluency in human rights frameworks and a perspective of social justice that is more interconnected and international. On the other hand, human rights concepts can be alienating to immigrants from Communist regimes in Asia.

We have both spent most of our careers in the Asian region and have observed first-hand the very powerful ways in which courageous human rights advocates throughout Asia have brought about real and lasting social change to their communities.

To further the Korematsu Institute's mission on leadership development in Asian American communities, we are seeking to understand how human rights tools can be an effective resource for emerging leaders, especially in immigrant communities. We are excited to share our initial findings with you in this report.

We look forward to hearing from you on how we might partner to build a society that truly respects the principles of universal equality and inalienable rights.



**Titi Liu**  
Executive Director  
Asian Law Caucus  
A Member of the Asian American Center  
for Advancing Justice



**Ling Woo Liu**  
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## Introduction

On October 29, 2009, the Korematsu Institute at the Asian Law Caucus convened a panel at the first annual Advancing Justice conference, entitled *Human Rights Frameworks for Asian American Advocacy*. Five social justice leaders presented on how deploying human rights strategies, values and language can strengthen and transform social justice work – within immigrant rights, gender justice and education organizing.<sup>1</sup>

This report shares the learnings that grew out of that panel. It also synthesizes interviews with key leaders in the Asian American advocacy community. Twenty-six advocates discussed how they think human rights can be used within Asian American advocacy and organizing; the challenges in integrating human rights into their work; and the skills and capacities that they still require in order to use human rights more effectively.<sup>2</sup>

In many parts of Asia, advocates have been strategic and effective in building a human rights movement to address key rights violations. In many cases they are able to craft international as well as local and national legal or policy remedies for the abuse

of rights they experience. Thus the human rights framework has the potential to be a compelling resource for immigrant activists, who bring with them deep experience and expertise on human rights campaigns. This is in sharp contrast to the U.S. civil rights frameworks, which are typically very foreign to recent immigrants. Asia is one region of the world in which a very strong critique of the human rights movement has emerged, linking the movement to Western imperialism.

As the domestic human rights movement continues to develop in the U.S., it is critical to understand how the dynamics outlined above are playing out in Asian and other immigrant communities. This publication seeks to launch a discussion on how to broaden our strategies and increase our impact and explores the key challenges and opportunities for Asian American advocates to deploy a human rights framework in their fight for social justice.



*Human Rights Frameworks for Asian American Advocacy* panelists (from left to right): Rangita de Silva de Alwis, Jamil Dakwar, Krishanti Dharmaraj, Maisie Chin, and moderator Titi Liu. Photo courtesy of 2009 Advancing Justice Conference.

## A History of U.S. Human Rights

Human rights is grounded in principles of universal equality and inalienable rights. It sets forth standards of personal dignity, decent and equal treatment, and basic living standards – rights that are enshrined in each person, regardless of where they live, how they look, or their status within the community. Human rights is codified in a set of international treaties, which together seek to guarantee each person’s right to a fully realized life. This means that, for example, human rights protects against racial discrimination and torture; guarantees the right to participate in public life; and also ensures each person’s right to food, housing, health and a quality education.

Some of the core principles of human rights standards and related strategies include:

- The **universality and inalienability** of human rights. The full range of human rights belongs to every person, and they cannot be taken away.
- The **interdependence** of civil and political, and economic, social and cultural rights. Each set of rights is treated with equal importance, and they are viewed as interlinked.
- The **leadership and full participation by directly affected persons** in social movement and political life.
- **Binding global norms and international law, and accountability by governments** to international decision-making bodies.

The founding document of modern human rights is the 1948 Universal Declaration of Human Rights (UDHR). Adopted in the wake of World War II and a horrifying genocide, the drafters of the UDHR, which included Eleanor Roosevelt, sought to protect and uphold freedom and equality for all persons. Since 1948, the United Nations

has adopted eight major international treaties that expand on the civil, political, economic, social and cultural rights contained in the UDHR’s thirty articles. These are:

- the International Convention on Genocide (ICG);
- the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the International Covenant on Civil and Political Rights;
- the Convention on the Elimination of Discrimination Against Women (CEDAW);
- the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT);
- the Convention on the Rights of the Child (CRC);
- the Convention on the Rights of Persons with Disabilities.

The United States has ratified four of these treaties: the International Convention on Genocide (ICG); the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Racial Discrimination (CERD); and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). By ratifying these treaties, the United States is held accountable under international law and its own Constitution to the articles contained within.

The U.S. government must also report to the treaties’ complementary monitoring bodies that review each signatory country’s compliance with that treaty. For example, the U.N. Human Rights Committee reviews the compliance of all countries

that have signed the ICCPR. Periodically the U.S. government must submit a report to that committee and describe its progress in upholding each article of the treaty. The Committee will then issue a set of “Concluding Observations and Recommendations,” on areas where the member state has made notable progress, and where it must improve.

Some geographic regions also have their own human rights systems, including the Organization of American States (OAS) and the Council of Europe. These systems have corresponding human rights bodies that monitor the human rights record of member states. As a member state of the OAS, the United States is subject to individual claims being brought against it in the Inter American Commission for Human Rights.

While the United States played a leadership role in drafting the UDHR and in the creation of the United Nations during the 1940’s, it quickly

disassociated from upholding its own international human rights obligations. Southern senators and others clinging to practices of racial segregation saw human rights law as illuminating the United States’ own shameful human rights record. They were determined to halt U.S. accountability on the international stage. Throughout the 1950’s, these powerful politicians blocked U.S. ratification of key treaties and branded advocates who invoked human rights as un-American.<sup>3</sup>

The United States continued its disengagement with human rights and international law in the subsequent half century. It has yet to ratify important treaties such as the CRC and CEDAW, and has attached disabling reservations to the four treaties it has ratified. It has refused to join the International Criminal Court. Instead, the United States has historically used human rights to spotlight the practices and policies of countries overseas.

<b>Treaty/Convention</b>	<b>Acronym</b>	<b>Date Signed by U.S.</b>	<b>Date Ratified by U.S.</b>
International Covenant on Economic, Social and Cultural Rights	ICESCR	5-Oct-1977	not ratified
Convention on the Prevention and Punishment of the Crime of Genocide	CPPCG	11-Dec-1948	25-Nov-1988
International Convention on the Elimination of All Forms of Racial Discrimination	ICERD	28-Sep-1966	21-Oct-1994
International Covenant on Civil and Political Rights	ICCPR	5-Oct-1977	8-Jun-1992
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	17-Jul-1980	not ratified
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	18-Apr-1988	21-Oct-1994
Convention on the Rights of the Child	CRC	16-Feb-1995	not ratified
Convention on the Rights of Persons with Disabilities	CRPD	30-Jul-2009	not ratified
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity	N/A	not signed	not ratified
International Convention on the Suppression and Punishment of the Crime of Apartheid	ICSPCA	not signed	not ratified
International Convention against Apartheid in Sports	ICAS	not signed	not ratified
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	ICPMW	not signed	not ratified
Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean	N/A	not signed	not ratified
International Convention for the Protection of All Persons from Enforced Disappearance	ICPPED	not signed	not ratified

Source: United Nations Treaty Collection

Within this political context, “domestic human rights” had until relatively recently been seen as a misnomer. The American public, most social justice advocates and policymakers viewed inequities and marginalization within a civil rights framework or simply through the taking away and granting of social services. However a new set of advocates increasingly frame their work in human rights terms. They are using the strategies and language of human rights to address rampant poverty in minority communities; the absence of government protection during the devastations of Hurricane Katrina; and the mass detention of immigrants without sufficient due process procedures.

These advocates form part of the ever-growing domestic human rights field. Civil rights advocates, legal service providers, and community organizers are finding that human rights adds another, transformative dimension to their work. It enables them to see the lives of their clients and community members as part of a larger system of government failures, and to simultaneously address the full range of violations that they suffer. Embracing human rights unites the struggle of U.S. advocates with their counterparts overseas, and allows them to reclaim universal dignity and equality as core American values.

Evidence of the increasing relevance of human rights in the United States can be seen in many corners. In 2004, the first national network that addresses domestic human rights issues was formed. The **US Human Rights Network’s** membership now includes over 274 organizations and 1,400 individuals that carry out work on a wide range of social justice issues, including criminal justice, housing, the right to healthcare, education reform, and torture. One of the premier civil rights firms in the country has changed its name from the Leadership Conference on Civil Rights to the **Leadership Conference on Civil and Human Rights**. It joins several other prominent legal and advocacy organizations that use human rights language and strategies to promote their work, including the American Civil Liberties Union. Even the new administration in a **pre-inaugural**

**address on Human Rights Day** made pointed reference to the importance of America’s leadership in upholding international standards, and standing up for human rights at home and overseas.

The success of several human rights campaigns also demonstrates the potential of human rights to both affect change within U.S. policy and legal arenas, and to improve lives at the community level. Since 1993, the **Coalition of Immokalee Workers** has organized farm workers throughout the state of Florida around principles of human dignity and universal human rights. Its “Campaign for Fair Food” has tackled the exploitation these mainly undocumented migrant workers face by growers who sell their farm produce to large buyers within the fast food industry. Their human rights organizing efforts have resulted in binding human rights agreements with Taco Bell, McDonald’s, Burger King, Subway and Whole Foods. These agreements require the buyers to increase the price paid for farm produce and to ensure that growers pass on these increases to field workers. They also mandate that buyers only purchase produce from those growers that respect a human rights code of conduct.

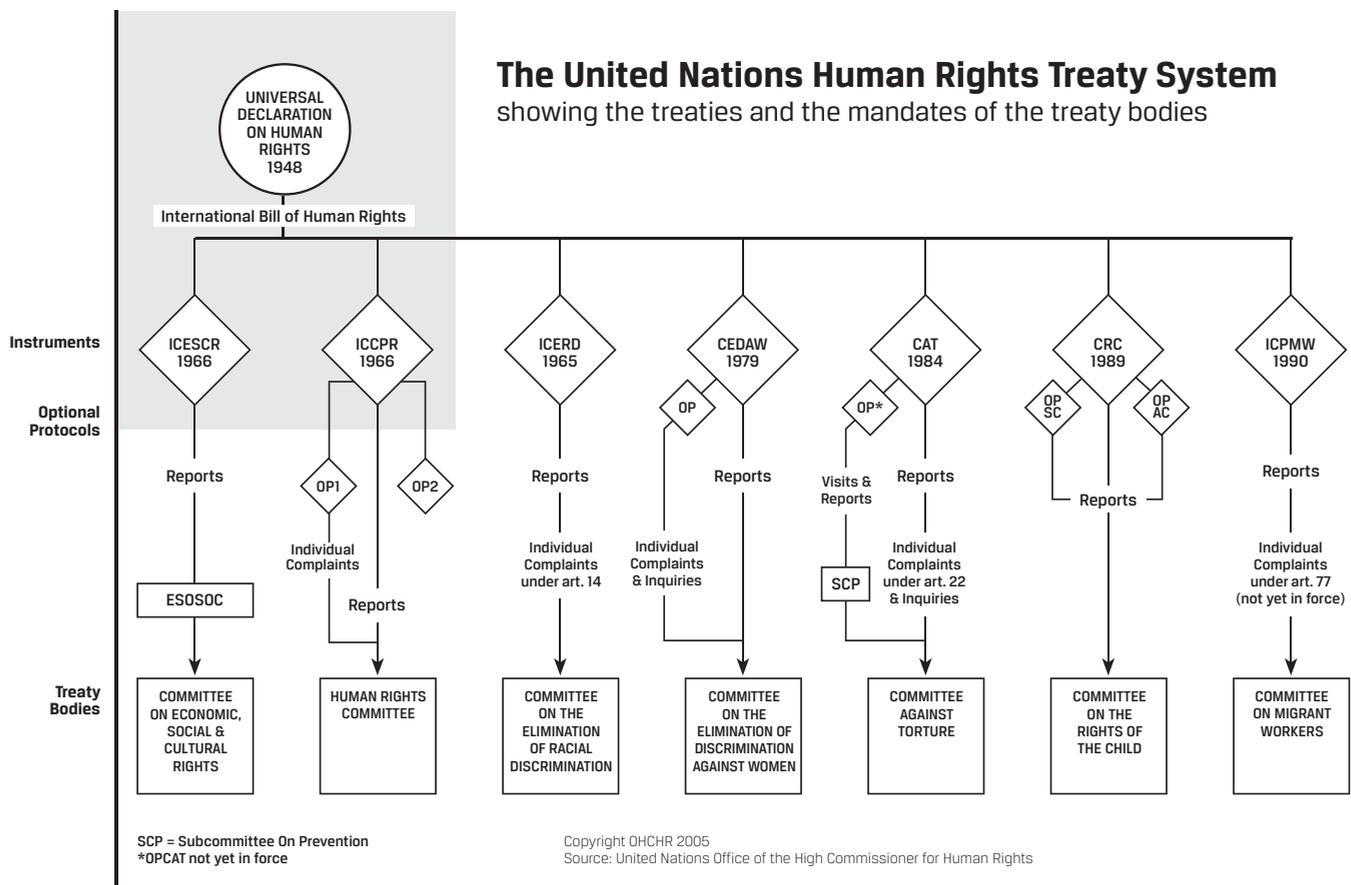
The **National Coalition to Abolish the Death Penalty** began to frame its work on ending the juvenile death penalty as a human rights campaign when it noticed the United States was increasing its use of the death penalty sentence, while international sentiment was trending towards eliminating it. It went on to organize international advocacy and grassroots organizing efforts that characterized the United States as out of step with the global community. The campaign highlighted the United States as one of only six nations that executed people for crimes committed when they were under eighteen years old, in violation of major international treaties, such as the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. In 2005, the Supreme Court struck down the juvenile death penalty. In his majority opinion for *Roper v. Simmons*, Justice Anthony Kennedy specifically refers to prohibitions under international human

rights law and the fact that only a handful of countries execute juveniles to define this sentence as “cruel and unusual.”

The strength of the **Campaign for a New Domestic Human Rights Agenda** reflects the next phase of work for domestic human rights advocates: meaningfully integrating human rights into all levels of U.S. policy making. The campaign is structured around four distinct goals: to introduce an Interagency Working Group on Human Rights; to reconstitute the U.S. Commission on Civil Rights into the U.S. Commission on Civil and Human Rights; to increase government compliance with the Convention on the Elimination of All Forms of Racial Discrimination; and to strengthen federal, state, and local government coordination in support of human rights. It came together soon after the 2008 presidential election, and seeks to carry out advocacy efforts on stronger U.S. accountability to human rights amongst senior

Obama Administration officials and other state and national policymakers. The campaign has attracted the participation of the ACLU, the Center for Constitutional Rights, the Center for American Progress, and the Rights Working Group, amongst other civil and human rights organizations. If successful, their efforts will result in the United States being held accountable to human rights within the channels of its own government, and will give new meaning to work on “bringing human rights home.”

Of course, the U.S. human rights field still faces serious challenges, many of which are identified in this publication. But as it grows in size, diversity, and strength, its impact and place within U.S. social justice work will be undeniable. This report begins to understand the unique contributions the Asian American advocacy community can make to these important efforts, and how its own work can benefit from this building momentum.



## Human Rights Frameworks for Asian American Advocacy: A Panel on Human Rights Organizing & Advocacy

Advocates and funders define **human rights work** in a variety of overlapping ways. Some advocates simply rely on the **concept and principles of universal dignity** and the inherent value of each person to inform their own goals, community outreach and policy work. Others access international institutions and mechanisms. They use the international attention to spotlight the most pressing problems within their own local communities. Finally, human rights strategies and norms can also be integrated into documentation and research; participatory organizing; policy advocacy; and litigation efforts.

The *Human Rights Frameworks for Asian American Advocacy* panel highlighted how advocates are using human rights strategies within litigation and community organizing. It also covered a landmark effort in San Francisco, California to locally implement the principles behind the Convention on the Elimination of Discrimination Against Women (CEDAW). This section provides an overview of the U.S. human rights work being carried out by the organizations represented on the panel. A more comprehensive overview of the different types of domestic human rights work can

be found in *Something So Strong: A Resource Guide on Human Rights in the United States* and some of the reference materials mentioned in the section on Building Human Rights Capacity in the Asian American Advocacy Community.

### a) Community Organizing and Documentation: Community Asset Development Re-defining Education (CADRE), Maisie Chin (Executive Director)

Founded in 2001, CADRE is a community-based organization in South Los Angeles. It is led by African American and Latino parents whose children attend local schools in the Los Angeles Unified School District (LAUSD). Its mission is to enable parent leaders to stop the push out crisis that affects children in lower-income neighborhoods of color. CADRE uses a **human rights organizing model**, which has triggered two important shifts.

Chin described how human rights helps *focus the organization on addressing structural problems within Southern Los Angeles*. In the LAUSD, low performing African American and Latino children were being suspended as a regular disciplinary measure. While the direct line from being out of school and into prison was well known, neither



Maisie Chin, Executive Director of CADRE, and Titi Liu, Executive Director of the Asian Law Caucus, at the 2009 Advancing Justice Conference. Photo courtesy of 2009 Advancing Justice Conference.



CADRE's Human Right to Education campaign, June 2009. By regularly resorting to suspension in order to discipline low-performing African American and Latino children, the Los Angeles Unified School District was interfering with students' basic rights. CADRE uses human rights organizing strategies to bring justice into classrooms. Photos by Rob McGowan.

parents nor educators knew how to adequately address it. A human rights frame helped CADRE characterize the push out process as a violation of these children's rights – not as just an unavoidable consequence of misbehavior in the classroom. Human rights guarantees each child the right to a quality education, and to be treated with respect and dignity in the school system. By over relying on suspension as a disciplinary measure, LAUSD schools were interfering with these basic rights. They were contributing to a system that encouraged low performing children to drop out of school, instead of examining the structural conditions that were causing conflict in the classroom.

Chin discussed how a personal responsibility or civil rights frame might have blamed individual caretakers for a child's disciplinary issues, or delivered a remedy only if intentional discrimination could be proven. But a human rights frame raised the bar of what the organization and its parent members could demand from the public

education system. It saw a positive behavior policy that supported low performing students as a right. It mandated that educators help all students stay within the school system, not drop out of it. With human rights, CADRE could organize around what was required for every child to reach her full potential.

Through human rights, CADRE also *puts its parent membership in true leadership of the organization's work*. A human rights organizing model draws on at least two interrelated strategies: (1) leadership development of community members and (2) participatory work by those most directly affected by human rights violations. CADRE fosters leadership teams of parent members that engage in strategic planning, consensus building, and recruitment. Parent members carry out community-based documentation of human rights violations in target schools, which is then used in the organization's advocacy with the LAUSD. The organization places parents in schools to monitor

positive behavior policies and to ensure they are being implemented correctly.

Most important is CADRE's **core philosophy that the parents are the most effective advocates for their children's right to an education.** Many parents who tried to become involved in their children's education were treated disrespectfully by school administrators. CADRE helps its parent members engage constructively with school officials, and to assert their right to participate in and shape their children's education. Chin acknowledges that other organizing frames also foster leadership and grassroots consciousness, but says that, "with human rights you make the broader connections sooner." Human rights helps CADRE members view their personal experience as part of a series of violations taking place in the community. It expedites relationships so that parents view themselves as part of a larger experience and can organize for systemic improvement.

"I really believe that the universal language and timelessness of human rights helps create a different framework from the ground up, says Chin. "The integration of human rights has led to a clearer vision of the type of parent power CADRE is working towards. Our parents are able to protect and promote their children's dignity and opportunity to learn. They are at the decision-making and policy-making tables, and have the tools to monitor accountability in policy implementation."

#### **b) Legal and Policy Advocacy: American Civil Liberties Union (ACLU), Jamil Dakwar (Director, Human Rights Program)**

Founded in 2004, the ACLU's Human Rights Program (HRP) uses human rights strategies to complement and strengthen the organization's legal and legislative advocacy. The five-person staff partners with colleagues working on national security, immigrant rights, racial justice, women's rights, children's rights, death penalty, and other issue areas. They conduct human rights education and training sessions, engage in advocacy and litigation before U.S. and regional bodies, and carry out international advocacy before United Nations human rights bodies.

Within its **litigation efforts**, HRP uses human rights to support domestic legal arguments. In its 2007 case *Binyam Mohamed v. Jeppesen Dataplan, Inc.*, ACLU lawyers used international claims to charge the Boeing subsidiary with aiding the U.S. government in its so-called "extraordinary rendition" and torture program. At other times it has submitted *amicus briefs* that use human rights arguments and norms in order to support other legal pleadings.

The application of human rights argumentation in federal and state courts comes from the U.S. Constitution's Supremacy Clause. It holds that ratified treaties become part of the "supreme law of the land," on par with an Act of Congress and superior to conflicting state laws. However when the United States government ratifies a

Human rights advocates (including ACLU lawyers Jamil Dakwar and Chandra Bhatnagar) hosting a press conference after testifying in Geneva before the United Nations' Committee on the Elimination of Racial Discrimination (CERD) on the U.S. government report on the state of racial discrimination in the United States. (February 2008) Photo by Ateqah Khaki.



treaty, it also enters what is called “reservations, understanding, and declarations” that specifically state the treaty is not binding or enforceable in U.S. courts without enabling legislation. For this reason, resting a case entirely on international law can sometimes leave a litigator vulnerable. Another source of human rights law is customary international law (CIL), a body of law which refers to general and consistent practices adhered to by the international community out of a sense of legal obligation. Many human rights are universally recognized as part of CIL, and the U.S. Supreme Court has held that CIL is part of federal common law.

Dakwar advises litigators to use human rights arguments strategically and carefully. He suggests the inclusion of human rights arguments where there are significant **gaps in domestic jurisprudence, and U.S. law does not provide adequate remedy and expansive protections.** In these instances, human rights can broaden the available arguments or solutions.

Human rights law can also be used to make **compelling comparative law arguments.** In areas in which the U.S. government adopts policies that are widely rejected by other countries, lawyers can cite the development of human rights law as a signal of evolving legal standards. Dakwar noted that this type of argument was successfully raised in *Atkins v. Virginia* and *Roper v. Simmons* (which respectively held that the imposition of the death penalty for the mentally retarded and offenders who committed their crime when they were under the age of 18 violates the U.S. Constitution), as well as *Lawrence v. Texas*, which struck down a Texas law that criminalized homosexual sex.

**International legal advocacy** is another avenue for HRP where federal or state litigation does not have a positive result. In 2005 HRP teamed up with the ACLU’s Women’s Rights Program and Columbia Law School’s Human Rights Clinic to bring *Gonzales v. the United States* to the Inter American Commission on Human Rights (IACHR) – a human rights arm of the Organization of American States.<sup>4</sup>

The international litigation gave Jessica Gonzales her first opportunity to testify and argue for relief before a tribunal. At the time of publication, the IACHR’s decision was still pending. Even if it delivers a finding in favor of Gonzales, its recommendations will not be legally binding on the United States government. However, Dakwar reminded advocates that a favorable decision sometimes does exert moral pressure on the U.S. government to change its policies and provide individual remedy. This could be in the form of state or federal policy changes that more adequately address violence against women – such as training programs for local police departments. More importantly, Gonzales herself has had a profound opportunity to tell her story and to confront the U.S. government for its failure to protect her daughters.

Finally, the ACLU uses **documentation strategies** to complement their legal work (further discussed in the Human Rights in Action section). Dakwar says that human rights documentation can add additional pressure on policy makers and the judiciary. It also puts the voice and story of those most affected at the center of the advocacy efforts and demands accountability for their human rights violations.

### **c) Local Implementation of Human Rights Treaties: Women’s Institute for Leadership Development (WILD) for Human Rights, Krishanti Dharmaraj (Founder)**

In the late 1990’s, WILD for Human Rights spearheaded an effort to pass an ordinance in San Francisco that **locally implements the principles underlying CEDAW.** It worked in collaboration with members of city government, policy makers, and community organizations to provide training on CEDAW and to organize a public hearing. In April 1998, the ordinance was signed into law, obligating the local government to take appropriate measures in preventing gender discrimination in the city.

Dharmaraj, the organization’s co-founder, was inspired to use human rights in San Francisco after

simultaneously working at Amnesty International and volunteering in a local Asian women's shelter. She saw how human rights helped capture the experiences of refugee women in overseas countries, but were not being used to discuss similar issues within her own neighborhood. She encouraged her colleagues at WILD for Human Rights and other peers to consider how human rights could help them build the leadership of local women, while also placing stronger obligations on the government to protect them from gender discrimination.

The ordinance declares, "It shall be the goal of the City to implement the principles underlying CEDAW...by addressing discrimination against women and girls in areas including economic development, violence against women and girls and health care." It also committed San Francisco to ensuring that it did not discriminate against women in its employment practices, the allocation of funding, and delivery of direct and indirect services. Finally, the ordinance obligated San Francisco to conduct regular gender analyses to determine if any city practices and policies should be changed.

Dharmaraj shared that the city's gender analyses across all of its departments led to several policy changes. The Department of Public Works installed more safety lights in areas where women were walking through otherwise empty or dark streets. The Arts Commission adjusted its system for allocating street space to art vendors in order to accommodate women artists with childcare

responsibilities. Other departments and offices gave more consideration to flexible time and telecommuting schedules.

San Francisco's success at locally implementing a major human rights treaty sparked similar efforts in other cities across the United States. The Building Human Rights Capacity in the Asian American Advocacy Community section references initiatives in New York City; Chicago, Illinois; Berkeley, California; and Eugene, Oregon.

*National participants at a meeting with San Francisco city government and community leaders hosted by the Human Rights Commission in San Francisco. Photo courtesy of WILD for Human Rights, 2009.*



## Interviews with Asian American Advocacy Leaders: How Can Human Rights Help the Asian American Advocacy Community?

### a) How Asian American Advocacy Organizations Currently Use Human Rights

Human rights organizing and advocacy is increasingly finding a place within U.S. social justice work. Immigrants, marginalized workers and communities of color are using the language and values of human rights to spotlight the violations they suffer. Advocates are accessing international mechanisms and are lobbying for state and national institutions that monitor the government's respect for human rights. Lawyers are including human rights argumentation into their cases, and community organizers are building alliances across diverse communities through the lens of human rights.

Asian American leaders are contributing to these important efforts across the country. Many have been key advocates in the "bringing human rights home" movement. Some are beginning to rely on human rights language to mobilize their own community. Most Asian American advocacy organizations however are still at the relative beginning of learning about human rights strategies and applying it to their advocacy and organizing work. Of the 26 interviewed leaders, almost all described themselves as being genuinely interested in learning how human rights strategies can enhance their social justice efforts. At the same time, only a handful of the interviewed advocates could identify specific social justice campaigns that have a strong human rights message or framing.

Most of the interviewed advocates viewed human rights as a **global framework that recognizes the inherent dignity of each person and emphasizes ideas of universal and inalienable rights**. "It's the principles and basic freedoms that everyone is entitled to and that is upheld on a global scale, rather than through the state," says Eveline

Shen of Asian Communities for Reproductive Justice. Advocates alternatively referenced human rights as a set of moral values and ethics that guide how each person deserves to be treated, and as codified global standards that compel government actors and institutions towards certain actions and obligations.

All advocates viewed human rights as capturing what it means to be a fully realized person. To many it has a broader context than the more traditional civil rights framework, which often is only associated with anti-discrimination or anti-racism. Others saw human rights as helping bring to light issues of systemic poverty, exploitation, and basic human needs – but within an objective measurable standard rather than a personal, ideological position.

They said that human rights helps guide social justice work so that advocates, lawyers, and organizers are focused not on single, discrete (or necessarily justiciable) issues, but are open to understanding the full range of their constituents' experiences and are helping them lead efforts towards real change. Peggy Saika, Executive Director of Asian Americans/Pacific Islanders in Philanthropy (AAPIP) says, "Human rights helps me stay at the 25,000 feet level even when on a day-to-day we are keeping our ears to ground...It keeps my eye on my core values."

Of the Asian American advocacy organizations that already integrate or rely on human rights, most use the philosophy and principles of universal dignity to guide their organizing work. Some organizations are beginning to explicitly use the language and standards of human rights with policy makers, constituent members, and other allies, but they view themselves at the still initial stages of learning about how to use human rights in their work.

### **The New York Taxi Workers Alliance**

describes itself as a multi-issue organization that works within the city's yellow cab industry. New York City has approximately 49,000 licensed yellow taxicab drivers, with about 30,000 drivers holding active, steady jobs in the industry. Ninety four percent of the workers are foreign born and sixty percent come from South Asian countries. Executive Director Bhairavi Desai describes the industry as exploitative and highly dangerous. Taxi workers face discrimination, harsh regulations, and are sixty to eighty times more likely to be killed or robbed (respectively) on the job than other U.S. workers. The needs of the taxi workers range from lower lease prices, to more accessible healthcare, to protection mechanisms for better workplace safety. The ultimate aim of the organization is to unionize New York City's taxi workforce.

The organization's staff sees human rights as informing their commitment to "justice, respect, rights and dignity" for all. While they do not always explicitly name these values as human rights, they view them as being one in the same. The organization's grounding in universal dignity has strengthened its internal and external efforts.

Within the membership base, staff notices a resonance when they talk about deserved humanity and how unfair labor practices isolate the workers from the rest of society. Workers who previously viewed their struggle as being about changing specific regulations now realize they are fighting for the fundamental rights they deserve as human beings. This shift enables the organization to

connect with their workers in a visceral space rather than one based in technicalities and legal jargon. Desai feels this is a more powerful and effective way to develop and build a base of power. Mobilizing around universal dignity and respect also binds the taxi workers around an agreed upon set of ethics, and places them in solidarity with other workers in their own community and around the world.

Another strength of a values-driven campaign has been the ability to reach otherwise disinterested allies and other stakeholders. Desai explains that their campaigns can be narrow and easily sidelined, especially if framed in terms of the legality of specific taxi regulations. Relying on universal, human rights values has enabled them to message their work as being about dignity, and the more familiar rights to be economically viable and to work in a non-repressive environment. "The broader human rights framework reveals the universality of our struggle, which makes it more palatable," says Desai.

The staff at **South Asian Americans Leading Together** (SAALT) has started to use human rights more explicitly in its community outreach and advocacy work. In 2009, SAALT launched its "One Community United" campaign: a series of town hall meetings in Jersey City, Atlanta, and Miami that highlighted immigration challenges and mobilized community members into action. Deepa Iyer, Executive Director of SAALT, explained that at these meetings they asked community members what they consider to be human rights. The mainly immigrant community listed their human



*Deepa Iyer (second to the left), Executive Director of SAALT, testifying with other advocates in a Congressional immigration hearing in 2007. Photo courtesy of SAALT.*

rights to include safety, health, and freedom from discrimination. SAALT staff reminded them that human rights do not distinguish between citizens and non-citizens. These are rights that attach to all human beings regardless of their status in the country.

“People immediately respond to this,” says Iyer. “It has been an effective launching pad to open up dialogue and to look beyond our constitutional rights.” She says that grounding their work in human rights allows community members to see the big picture, and to consider complex issues of how migration also implicate shelter, education and safety.

Within its advocacy work, SAALT joined consultation efforts for the 2010 Universal Periodic Review of the U.S. government.<sup>5</sup> As part of the review process, NGOs in the United States are organizing meetings with representatives from U.S. government agencies. The consultations are an opportunity to inform government officials of their obligations under various human rights treaties and declarations, and to provide recommendations in specific areas of concern.

In April 2010 SAALT organized and led a panel on discrimination and racial profiling in the context of the United States’ national security policies. SAALT offered its analysis of abuses being carried out within the National Security Entry-Exit Registration System (NSEERS), Operation Frontline, and the continuing escalation of detention and interrogation practices. After the 2010 review, SAALT expects to join peer organizations in using the UPR Committee recommendation’s to pressure national and state policy makers within its immigrant rights advocacy work.

#### **b) Potential Benefits to Using Human Rights in the Asian American Advocacy Community**

The Asian American advocacy community is only beginning to wrestle with how human rights can strengthen their work. As advocates, lawyers, and organizers understand the role human rights can play in achieving social change, they also identify specific opportunities. Many of the identified opportunities echo what social justice advocates have expressed

in complementary fields – human rights provides an aspirational vision of a truly equitable society, it more easily captures experiences across multiple identity areas, and directly links our work at home to struggles overseas. Other factors are more unique to the Asian American advocacy community. They relate to the community’s specific history in the U.S. social justice movement and the political context of home countries.

Many advocates felt that by grounding their work in **core principles of universal dignity and justice, human rights prompts a shift in the values we ascribe to society and to our community.** “Human rights moves us away from the traditional battle lines that have been drawn,” says Julie Su, Litigation Director of the Asian Pacific American Legal Center. It opens up opportunities to look beyond what is legally codified in the United States or economically viable, and to imagine what each human being requires to reach their full potential.

This means that within immigrant rights, a person without legal status still has the right to basic healthcare or a decent wage. Education reform is understood in the context of ensuring every child receives a quality education and is not a fight for limited spots. Discrimination is acknowledged when racial minorities are disproportionately leaving schools for prisons. Tuyet Le, Executive Director of the Asian American Institute, says, “human rights gets you to a discussion of universal protections and what every human being should expect as their most basic rights.”

Advocates felt that these broader values can powerfully transform social justice advocacy. It prompts organizations to consider how one aspect of their constituents’ lives affects another. Luna Ranjit, Executive Director of Adhikaar, explains how when a person arrives in the United States without valid immigration status she is pushed into the informal, low-wage economy, which then means she lack adequate healthcare. As an organization that is broadly oriented around the right to self-determination, Adhikaar can consider the connections between each of these issues. Moreover, it is not forced to draw distinctions between those

that are legally entitled to a better wage or a more secure environment, and those that are not.

Advocates appreciate that human rights changes the dialogue from service delivery to a rights based framework. Yet they also caution that it requires some adjustment for both activists and for the American public. It depends on a broader view of what constitutes rights than may be currently accepted. “Human rights brings to mind extreme violations, such as genocide or oppression of political dissent,” says Vincent Pan, Executive Director of Chinese for Affirmative Action. This caused him to wonder if the American public is ready to treat access to healthcare on the same playing field as some of these other human rights issues.

Human rights causes an overall shift in our values and standards for society, as well as **compels Asian Americans to reexamine their own place within the social justice community.** Advocates offered a critique of Asian Americans as largely absent from social justice efforts unless their own community is specifically implicated. In areas such as access to education, systematic poverty, fair housing, and juvenile justice, they felt that Asian Americans have bought into an affirmative action frame – in which they “desire a piece of the pie,” but do not demonstrate leadership in ensuring the same for other marginalized communities.

Human rights moves advocacy out of a strictly identity based experience, and has its most keen expression in common humanity. Instead of segmenting the experience of a Filipina domestic worker from a Black worker who works in a non-unionized factory, human rights regards their struggles for dignity and respect as shared.

Chin comments, “Asian Americans have sometimes, ironically, benefited from racialized assumptions...Our parents are often excused from being ‘involved’ in their children’s schools because it’s taken as a given that our culture and our families value education.” She continues to say, “So far we have failed to connect this pattern to similarly racialized assumptions that are instead

used to de-value other communities of color and to deny them basic rights...We need a framework that pushes us towards connecting with other communities and showing solidarity with their efforts. Human rights does that.”

Human rights broadens the perspective of individual advocates and entire communities alike. It aligns the efforts of Asian Americans with other identity groups. “Human rights moves us away from our current frame – our narrow and flawed ideas of merit and holding on to what we have – and towards an approach that *every* child has the right to opportunity,” explains Su.

Advocates witness a **more profound reaction from community members when their struggles are framed as human rights violations.** The language of human rights appeals to communities’ sense of justice and fairness. Organizing around fundamental ideas of what it means to be a fully realized person enables advocates to effectively mobilize directly affected communities. This approach differs widely from one that looks at the legalities of the immigration system or workplace regulations – which can be more alienating and confusing to recent immigrants.

Many of the interviewed leaders credited human rights resonance within immigrant constituencies to their **exposure to similar values and language in their home countries.** At the *Advancing Justice* conference, Rangita de Silva-de Alwis, Director of International Human Rights Policy Programs at Wellesley Centers for Women, presented on how human rights are deployed throughout East, Southeast, and South Asia. Advocates use human rights to advance core gender justice objectives, including freedom from violence, equality within the family, political participation, and fair labor policies. She offered examples from Vietnam, the Philippines, and India, amongst other countries, of how social justice advocates have used international treaties and customary international law to strike down discriminatory domestic laws and to protect against harmful cultural practices. She noted that in these parts of the world, human rights is part of

the common parlance and is frequently used to frame violations that occur at all levels of society.

Chandra Bhatnagar, Staff Attorney at the ACLU, agrees. Bhatnagar began his career in human rights by working on child labor issues in India. “I was impressed by how much everyone knew about and used human rights. People understood child labor practices, caste discrimination, and religious fundamentalism as human rights issues. They viewed the United Nations and other international bodies as an important part of achieving change.”

The wider integration of human rights in home countries makes the related language, values and legal framework familiar to immigrants that have since migrated to the United States. Advocates based within the Korean, South Asian, and Filipino communities in the United States notice this affinity for human rights. Eun Sook Lee, Executive Director of National Korean American Service and Education Consortium (NAKASEC) explains, “Culturally, human rights is something that we all understand much more intimately. It’s easier to conceive of than civil rights or immigrant rights.” Through human rights, constituent members can more readily understand their experiences of marginalization and exploitation within the labor industry and the immigration system as violations.

Other advocates however were more wary of using human rights amongst certain immigrant constituencies. They wondered if the negative and sometimes painful connotations associated with human rights would serve as a barrier to mobilizing immigrants from certain regions. In countries where the United States has been a harsh critic of repressive practices or where there has been divisive internal political dissent human rights are commonly characterized as “imperialist, western ideals,” says Pan. The United States’ condemnation of China’s human rights record was often cited as a link many immigrants make between human rights language and racist, imperialist attitudes, as were political divisions in Taiwan.

Advocates suggested that these painful associations may hinder community organizing

efforts, rather than strengthen them. Human rights language could conjure up political division between Pan-Asian communities and renew old tensions that communities had otherwise left behind when they emigrated. It may also spark defensiveness for home country politics, and distract from work within local U.S. communities. “Human rights lays bare a lot of tough politics,” says Angelo Ancheta, Assistant Professor of Law at Santa Clara Law School. “We need to do a sophisticated analysis of what is at play...and see if we are opening up old wounds.”

Questions around how to effectively use human rights within Asian immigrant communities stem partly from the lack of a human rights infrastructure within the Asian region. Unlike countries in Europe, the Americas, and Africa, nations located in the South Asian and East Asian region are not part of a regional mechanism. Ten Southeast Asian countries have come together through the Association of Southeast Asian Nations (ASEAN), but that organization only began the process of instituting a regional human rights body in 2009. While the lack of human rights mechanisms in Asia feeds a cultural relativism argument, many other advocates feel that this position is overstated. They observe local activists in communist countries who have clearly aligned their work along human rights and even see some of these governments as more steadily drawing from the international human rights law regime. “Even in China, where the government has in the past voiced strong opposition to the universality of human rights, I worked with courageous and strategic activists who used international human rights instruments such as CEDAW to hold the government accountable to egregious rights violations,” emphasizes Titi Liu, Executive Director of the Asian Law Caucus, a member of the Asian American Center for Advancing Justice. Liu was formerly Law and Rights Program Officer with the Ford Foundation in China.

Some interviewed advocates commented that **identifying Asian American activism with human rights affords them new and rightful ground on which to stake their claims.** These

leaders addressed the history of Asian American activism and noted the community's efforts to be fully accepted within the civil rights community. They characterized the civil rights movement as struggling to include the experiences and priorities of Asian Americans, women, sexual minorities and persons with disabilities. "It offends some people in the African American community when we say immigrant rights are civil rights. They see it as taking away from their continuing struggles," says Karen Narasaki of the Asian American Justice Center, a member of the Asian American Center for Advancing Justice. The nature of human rights however enables advocates to avoid issues of turf or feeling unwelcome in a movement with a long and established political history. "Everyone understands and embraces the notion that immigrants have human rights," says Narasaki.

Advocates also critiqued a strictly race-based perspective. They felt that human rights **more effectively captures the experience of those Asian American communities that do not fit neatly into a civil rights paradigm.** Advocates note that

the identities of Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities are tied to their linguistic, geographic, religious, and ethnic background. They experience discrimination and violations based on the same factors. Racial justice offers them some remedy, but on its own does not adequately capture overlapping issues of religious discrimination, gender bias, or anti-immigrant sentiment.

Other interviewed advocates made similar observations about lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) communities, and those suffering from entrenched poverty. "Human rights allows [advocates] to hold all these pieces at the same time – race, gender, class and culture – and the different ways that an individual experiences them," says Chris Punongbayan, Deputy Director of the Asian Law Caucus, a member of the Asian American Center for Advancing Justice.

A desire to **link our social justice movement to global efforts** is another important reason to integrate human rights into Asian American



Chris Punongbayan (middle row, second to the right), Deputy Director of the Asian Law Caucus, rallies with other ALC staff members on International Migrants Day in San Francisco, December 18, 2008. Photo courtesy of the Asian Law Caucus, a Member of the Asian American Center for Advancing Justice.



*May Day rally in Los Angeles, 2010. Photo courtesy of NAKASEC.*

advocacy and organizing work. Two of the interviewed advocates noted that their organizations are increasingly forging alliances with advocates overseas. In 2007, staff at the New York Taxi Worker Alliance spearheaded an effort to form an international federation of over thirty taxi worker organizations in North America, South Asia, and Australia. The **International Taxi Workers Alliance** views its mandate as securing greater organization, resources, influence and power for taxi workers across the globe. The universal values of human rights bind the experience of a taxi worker in Chicago to a taxi worker in Dhakka, Bangladesh. It frames their work around a common set of ethics that is shared irrespective of cultural, political, or economic circumstances. It is only how those ethics and standards get actualized that remains particular to each city and the context in which they operate.

The staff at **NAKASEC** strives to connect its work on immigrant labor to migrant workers struggles in the Philippines, Korea and parts of

Europe. They hosted an international conference on migration and related work practices, and carried out learning exchanges with migrant workers in Korea and the Philippines. In these global arenas, human rights is the more appropriate and familiar frame in which to strategize shared work between U.S. advocates and their overseas counterparts. Human rights also more accurately connects with the political dialogue on how national economic instability and global migration patterns bring about exploitative labor practices in receiving and sending countries.

**Issues affecting Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities** are another set of concerns that are being considered on the world stage. The so-called “war on terror,” and related harsh enforcement practices – such as detention, rendition, and surveillance – have received the attention of advocates, governments, and individuals all over the world. There is often the danger that other countries will use the U.S. example to justify their own abusive practices. Given the

international stage that advocates and community members occupy and the global political context in which they occur, human rights is a more accessible and meaningful way to describe these types of violations. It reminds stakeholders at home and around the world that these practices violate an international set of laws, and that the United States must come back into line with universally accepted and agreed upon principles.

Finally, many advocates saw human rights as offering an **additional set of remedies to strengthen their social justice efforts**. Iyer emphasized that at SAALT they view human rights strategies, language and fora as an “additional tool in our arsenal.” Human rights does not supercede or negate existing work. It builds off the progress advocates have made in their respective fields, and fills in gaps where civil remedies are weak.

Other ways that human rights that can broaden the impact and scope of advocacy and organizing work include:

- Bringing social justice causes to **international institutions, such as the United Nations, the Inter American Commission for Human Rights, and the International Labor Organization**. In 2007 and 2008 the United Nations reviewed the United States’ compliance with several important treaties: the International Convention on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and the Convention on the Elimination of All Forms of Race Discrimination (CERD). Advocates coordinated efforts to submit reports that supplemented the U.S. government’s own account of their progress in areas such as racial equality, criminal justice, and freedom from torture. (commonly referred to as “shadow reports.”) Other advocates have brought cases in international courts after the U.S. judiciary dismissed their claims for justice. (Several of these efforts are profiled in the case study publication: *Perfecting Our Union: Human Rights Success Stories from Across the United States*.) The international condemnation of federal, state and local practices brings added attention to social justice efforts

back home, and can provide external pressure in influencing U.S. policymakers.

- **More expansive legal standards that enhance domestic protections**. Human rights recognizes a *broader set of rights*, especially in the area of economic, social, and cultural rights. Under international treaties and other norms, access to healthcare, opportunity to earn a fair wage, and the right to shelter are all viewed as rights. Moreover, the government has an *affirmative duty* to protect and ensure their realization for all persons. Human rights recognizes discrimination where the ultimate impact of certain policies or practices has been disproportionate, whereas civil law only examines the intent of a law or policy. Advocates can invoke these international standards and broader protections in order to strengthen their domestic law and policy arguments.

- **Messaging strategies that help reach new audiences**. Many U.S. practices and policies isolate it from the global community. Advocates note in particular that the United States is one of two countries that is not a signatory to the Convention on the Rights of the Child (joining Somalia), and that our juvenile justice policies put us out of step with basic international standards. Raising U.S. isolation in areas such as criminal justice, harsh enforcement, and inadequate healthcare helps them frame the related violations as extreme. Other advocates felt that human rights language helped them more effectively message their work within **ethnic media and other international outlets**.

### c) Challenges to Carrying Out Human Rights Organizing and Advocacy

Every interviewed advocate identified potential benefits to including a human rights framing in their work. Some also noted key challenges. They mainly raised concerns about how to use human rights effectively when the **related values and legal standards are still viewed as foreign**. Interviewed advocates identified this type of resistance at multiple levels of social justice work and within the broader public.

**Policy elites and the judiciary** were described as by far the most resistant to human rights argumentation. Advocates worried that citing human rights standards and laws could compromise their efforts, given most policymakers do not support a close relationship between U.S. policy and international standards. Many also wondered how commonly understood international principles are amongst policymakers, and if including related language would only raise confusion.

Lawyers were encouraged by recent Supreme Court cases that incorporated international law principles and comparative approaches, but questioned if the nuts and bolts of filing a case would be strengthened by a declaration of human rights or reference to international law. Ancheta stated that the “state of law is embryonic in terms of accepting international terms” and was disinclined to give too much attention to human rights argumentation in a brief or legal filing for fear of distracting from binding state or federal statutes.

The reluctance of policymakers and judges to respect human rights was seen as directly tied to **skepticism of human rights amongst the American public**, as well as a general defensiveness of U.S. laws and protection mechanisms. “Some Americans feel that there is nothing wrong with U.S. exceptionalism,” says Punongbayan. “They feel that we already have the foundation from which we can build ‘a more perfect union,’ and that we do not need to look outside to international instruments. There is some reluctance to say that the United States Constitution may, in fact, be wanting.” Advocates were also unsure how to persuasively message human rights, given Americans are often socialized to believe that civil liberties outrank international standards, and they tend to be isolated from global movements and attitudes.

Interviewed advocates were also concerned that using human rights language would mistakenly signal that they are an international group focused on issues overseas, rather than within their own local community. To these leaders, using international language poses a danger because the very term

“human rights” conjures up images of violations that mainly occur outside the United States.

Advocates expressed a similar discomfort with regard to their Asian American colleagues and community members, although with more confidence that trends were shifting towards a broader acceptance of human rights. Several interviewed leaders observed that within the Asian American community, a critical mass of organizations have yet to embrace human rights. “A lot of social justice work currently revolves around the race framework...a new orientation has to occur before we are all popularizing human rights as our main framework,” says Lillian Galedo, Executive Director of Filipino Advocates for Justice. As a result, some advocates preferred to message their work as human rights only when their peers were doing the same.

When asked why human rights had not yet been as widely integrated into the Asian American advocacy community, many advocates referenced a **continued allegiance to the civil rights framework**. (In contrast to those advocates who commented on the alienation Asian Americans experience within the civil rights movement as discussed above.) These leaders see the civil rights framework as having a special resonance amongst Asian Americans: that it serves as a benchmark of racial equality and contains the community’s deeply held values and history of struggle. Others observed a reluctance to shed Asian Americans’ hard fought place in the civil rights movement even if human rights more holistically captures their experience and communities. “The Asian American community has invested blood, sweat and tears into a civil rights framework just to feel included. How will they feel about changing the framework?” asks Archana Sahgal, former Director of the Civic Engagement Fund for AMEMSA Communities at AAPIP and Korematsu Institute Steering Committee Member.

Although there is a divergence of views on how specific frames resonate within the Asian American community, nearly all of the interviewed leaders felt that human rights and civil rights cannot be pitted against each other. “Asking people to

jettison civil rights and its usage isn't helpful," says Punongbayan, "[nor] is saying civil rights is encompassed by human rights... That makes civil rights advocates feel lesser and that they do not get the big picture."

Dakwar also recognized sensitivities around the civil rights framework. He reminded advocates that the civil and human rights frameworks are mutually reinforcing and that historically civil rights leaders recognized the importance of using human rights language to address social injustices. "But at the same time," he says, "this is an opportunity to look at what went wrong. How come civil rights laws failed to provide remedies and meet the promises, hopes, and expectations of many marginalized communities? The fact is human rights law often offers some answers to the existing problems and should be utilized to close the gap between U.S. law and international norms."

Advocates described some **uncertainty as to how actualize human rights** within their organizing and advocacy efforts. They saw the challenge of human rights as making it practical not just rhetorical. "What is needed is a clear sense of what human rights means in terms of policy and systemic change... [right now] it feels so general that anyone can embrace it but no one can define it," says Lee.

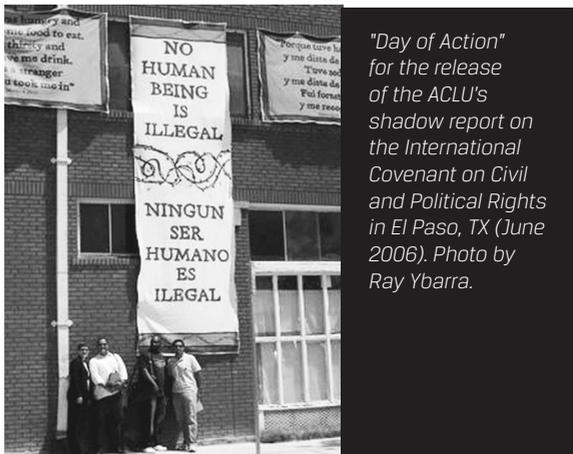
These advocates desired a more concrete understanding of how human rights standards can be used within their advocacy work. They want

to know: how exactly do human rights standards differ with respect to specific issues? How do they translate these differences into actual policy asks with legislators and other stakeholders? And how does one operationalize guaranteed rights – such as access to healthcare, a fair wage, and adequate housing – within a harsh economic climate?

Finally, a few executive directors already experienced **skepticism from their funders and staff members** on the efficacy of human rights. They noted that embracing a human rights frame would first require education within their own institutions, with their boards, and amongst core supporters. They also required additional capacity to carry out new types of work, including staff with different expertise and funding for expanded programming.

While most interviewed advocates identified challenges to using human rights, almost all saw **openings for greater acceptance of human rights and its deeper integration within social justice work**. Leaders stressed that with education and exposure, there was opportunity to recast human rights as part of our American ideals and relevant in policy and legal arenas. They cited the wider acceptance of comparative law arguments and international norms within the judiciary after several Supreme Court justices attended international meetings and interacted with judges in other countries as one encouraging example.

Other advocates were mindful that their work and the political context in which they operate were becoming increasingly globalized, especially in a post-9/11 world. The government's response in the aftermath of September 11, 2001 received worldwide attention. It opened up a dialogue on how the U.S. abrogation of human rights has profound effects in local communities and throughout the world. "There is no question that the U.S. cannot continue to hide its head in the sand and be isolated from the rest of the world," says Dakwar. To these advocates, human rights would necessarily become the language for scrutinizing U.S. practices, and for connecting



"Day of Action" for the release of the ACLU's shadow report on the International Covenant on Civil and Political Rights in El Paso, TX (June 2006). Photo by Ray Ybarra.

domestic concerns with foreign ones.

In order to prompt this cultural shift on human rights some advocates encouraged organizations to launch multi-sectoral advocacy. “This is not just about a bottom up approach,” says Sahgal, “We have to engage the grassroots and the wider public too.” These audiences would benefit from a deeper education about the values of human rights, the history of how human and civil rights came to be understood as separate, and the international treaties that codify these universally accepted standards.

Ultimately, however, advocates who were more involved in domestic human rights work reminded their peers that a prerequisite for gaining human rights traction within the United States is for advocates to simply raise the related arguments and norms, and to steadily form a popular constituency for human rights. “Human rights will not take hold in the United States unless there is a concerted effort to raise these demands and to make these arguments,” says Dakwar.

## U.S. Human Rights in Action

Most interviewed advocates saw the greatest potential to use human rights within **community organizing efforts** and amongst impacted communities – especially Arab, Middle Eastern, Muslim and South Asian (AMEMSA) constituencies. There was also near consensus that there is good potential to use human rights within **immigrant rights work and on issues of global migration**. Others identified LGBTQI issues as benefiting from a human rights frame.

In 2009, the ACLU and the Rights Working Group (RWG) carried out a human rights documentation effort that sought to mobilize community members and integrate international standards in their advocacy against racial profiling. Several of RWG’s members – including the Asian Law Caucus, Muslim Advocates and SAALT – also contributed to the content of the report and reported on how AMEMSA and other Asian communities were affected by practices of racial and religious profiling.

### Racial Justice: The Persistence of Racial and Ethnic Profiling in the United States

In 2008, the U.N. Committee on the Elimination of Racial Discrimination reviewed the U.S. government’s compliance with the Convention on the Elimination of All Forms of Racial Discrimination. A delegation of U.S. government officials went to Geneva and reported on their progress in correcting race disparities in areas such as police brutality, housing, employment, and the criminal justice system.

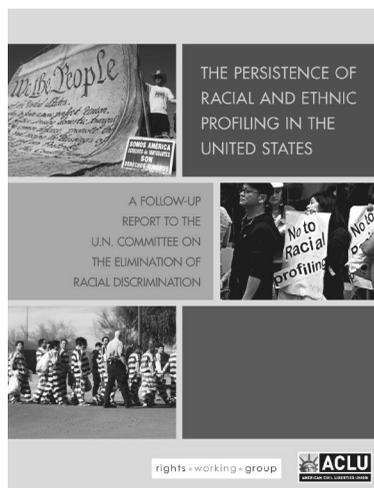
The government’s defense of its record was challenged

by over 125 U.S. advocates who also traveled to Geneva. Through a “shadow reporting” process, these advocates submitted their own reports on the perpetuation of racial discrimination in the United States, often countering the U.S. government’s defense of its record or pointing out key omissions. In Geneva, the advocates carried out direct advocacy with U.N. officials and pressed them to raise concerns around a range of issues, including the inadequate response to Hurricane Katrina, rampant racial profiling, and educational disparities.

At the end of the review process, the Committee issued its Concluding Observations. It highlighted several areas of concern and where it desired to see more aggressive government action. It also called for the U.S. government to submit a 2009 update on its progress in specific areas, including racial profiling.

In anticipation of the Government’s report, the ACLU and RWG collaborated on submitting a joint follow up report to the Committee that documented the unabated use of racial and ethnic profiling. *The Persistence of Racial and Ethnic Profiling in the United States: A Follow-Up Report to the U.N. Committee on the Elimination of Racial Discrimination* details abuses suffered by Asian, Latino, African American, and AMEMSA community members.

It examines the effects of 287(g) programs<sup>6</sup> in local communities; documents how FBI investigations unfairly target Muslims in America; and details racial profiling practices that routinely take place in airports and at border crossings. It also covers the escalation of raids of



immigrant (particularly Latino) communities and workplaces. The report relies on human rights norms to frame these multiple and overlapping forms of racial profiling. It also uses the U.S. government's obligations under ICERD to urge for stronger legislative and administrative action.

The submission of the report offered several important opportunities. First, it was another chance to engage domestic advocates in an international advocacy effort. ACLU affiliates and members of the Rights Working Group contributed vital information on racial profiling practices at the local, state, and national level. For example, staff at United Sikhs provided input on screening practices at airports that targeted individuals wearing Sikh turbans and Muslim headdress. At the state level, the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA) and the Tennessee Immigrant and Refugee Rights Coalition (TIRRC) contributed information on local 287(g) programs and the impact of local enforcement of federal civil immigration laws.

The report and the possibility of renewed international attention on U.S. racial profiling practices opened up a chance to carry out advocacy with Members of Congress and members of the Administration. When the report was released in June 2009, it received impressive media coverage. Several national media outlets - including CNN and the Associated Press - covered the report's release. The ACLU and RWG cited that publicity in order to urge Congress to pass the End Racial Profiling Act (ERPA). They also directly cited the U.N. Committee's own statement as an additional advocacy tool. Finally, the organizations convened and participated in a number of briefings on Capitol Hill to support this effort. For example, in September 2009, RWG held a briefing for the House Judiciary Committee featuring a number of senior law enforcement officials calling for passage of ERPA. In March 2010, the ACLU participated in a briefing for the Helsinki Commission on ethnic and racial profiling, where it featured the findings of the report and the U.N. Committee's recommendations

for stronger measures.

In addition to several briefings on the Hill, the ACLU and RWG carried out meetings with Administration officials on the need to review and reform other federal policies to stop racial profiling. RWG held meetings with officials at both the Department of Justice and the Department of Homeland Security to highlight federal policies and programs that have resulted in racial profiling.

Finally, several state coalitions have used the report to launch local advocacy efforts. In Gwinnett County, Georgia, the ACLU of Georgia released a local version of the report and called for passage of state legislation to outlaw racial profiling. Advocates in other states have organized town hall meetings to discuss local practices that target immigrants and other communities of color.

## Building Human Rights Capacity in the Asian American Advocacy Community

In order for human rights work to take hold within the Asian American advocacy community, wide scale education and outreach must be done. Even advocates that already use the values and basic language in their work said they lacked core expertise and the right relationships to launch a human rights advocacy campaign. Below are some of the types of trainings, partnerships, and skills that advocates identified as being most beneficial.

- Most advocates required a basic introduction to human rights. They desired “**101 trainings**” that cover human rights strategies, norms and mechanisms. Trainings should cover the historic development of human rights law and principles, and how advocates overseas and the United States are already using the strategies and standards within their work. Completing this overview would be more detailed discussions of how interested advocates can use human rights within issue specific work, as well as cross-sectoral and multi-issue campaigns.

**The Human Rights Project at the Urban Justice Center and the US Human Rights Network (USHRN)** carry out introductory trainings, both in person and by teleconference. At the time of this publication, USHRN had also launched an interactive portal, the Human Rights Mapping Database, that tracks human rights trainings, events, and resources across the country.

- **Many lawyers requested a more tailored training.** They wanted a better understanding of how human rights can be used in federal and state courts. They also asked for examples of legal memoranda or briefs that cite human rights, and an explanation of when it is appropriate to raise related arguments in court or other legal proceedings.

The **Bringing Human Rights Home Lawyers Network** (at Columbia University’s Human Rights

Institute) and the **Catholic Legal Immigration Network, Inc (CLINIC)** conduct work in this area. They both carry out trainings and have published resource manuals for legal service providers and litigators.

- Another type of training that advocates frequently requested was how human rights can be used within their **communication and messaging strategies**. Effective communications was viewed as the first step to actualizing human rights organizing and advocacy work. Advocates wanted talking points for speaking with legislators and other policymakers so that their human rights message was concrete and clear, but also addressed concerns of human rights as being foreign. Others wanted to know how to speak in human rights terms internally, amongst peer advocates, and the general public. They asked for sample letters to the editor and messaging research, especially in reaching Asian American communities.

**The Opportunity Agenda** carries out webinars and in person trainings on human rights communication strategies. It carries out media research on how human rights can frame advocacy campaigns, and distributes talking points and resource manuals across issues areas.

- Some interviewed leaders wanted the opportunity to **strategize with their colleagues in the Asian American advocacy community** on how human rights can benefit their shared work. These advocates felt strongly that human rights would only be useful if the community as a whole was integrating it into their work. Moreover, they wanted to ensure that their messaging work and strategic approach reinforced each other.

Some advocates wanted to know if there were already examples within the Asian American community of organizations that frame their overall work around human rights or had used it

successfully it in particular campaigns. One advocate who works on immigrant rights within the South Asian community attended a national convening on human rights organizing and advocacy. While the conference helped her understand how human rights could be used across social justice work, she also wanted to see how it was being used in an organization that mirrored her own. Other advocates wanted to meet with organizations based in Asian countries that use human rights in their social justice work.

- Almost all advocates asked for **manuals on human rights work and case studies on successful human rights organizing and advocacy**. They felt that these tools were key to concretely understanding the added value of using human rights in social justice efforts, and how they can apply human rights to their own work. Without compelling examples of how human rights has made a difference, advocates simply could not fully grasp what human rights work looks like nor what effect it ultimately can have.

Several domestic human rights organizations have released manuals on human rights standards and strategies. These include: the **Mississippi Workers Center for Human Rights, the National Economic and Social Rights Initiative (NESRI), the National Network for Immigrant and Refugee Rights, and the US Human Rights Network**. In 2004, the **Ford Foundation** released *Close to Home: Case Studies of Human Rights Work in the United States*. The U.S. Human Rights Fund at Public Interest Projects published a follow up publication in 2010: *Perfecting Our Union: Human Rights Success Stories from Across the United States*. The three-volume set – Bringing Human Rights Home – edited by Cynthia Soohoo, Catherine Albisa, and Martha F. Davis – chronicles the history of human rights in the United States from the perspective of domestic social justice activism.

Finally, more experienced human rights advocates strongly suggested that their peers **join an ongoing human rights campaign**. They felt that “101 trainings” are beneficial as a basic introduction, but ultimately can be too abstract. “The best way to learn, is by doing,” says Narasaki. This approach

also has the dual advantage of exposing advocates to the range of human rights actors in the United States, and giving them the chance to participate in a relatively well-capacitated and coordinated effort.

Advocates interested in human rights benefit from the fact that several coordinated campaigns already exist, both within specific issue areas and across the social justice field. At the time of publication, some of the upcoming and ongoing campaigns in the U.S. human rights field included:

- Advocacy related to the first **Universal Periodic Review (UPR) of the United States at the Human Rights Council**: The United States is scheduled to be reviewed by the UPR Working Group in late 2010, on its adherence to human rights obligations under the U.N. Charter, the UDHR, and other treaties. In April 2010, USHRN coordinated the joint submission of 24 reports from civil society organizations, for consideration by the Working Group. It now seeks to coordinate and facilitate NGO efforts to inform and influence the review process. It will organize education trainings and action opportunities for interested advocates.

- U.S. social justice organizations also regularly participate in other U.N. related advocacy work. Several **Special Rapporteurs have conducted fact-finding missions** to the United States, and rely on local NGOs to coordinate meetings with community groups and other affected persons.<sup>7</sup> For example, in 2009, the Special Rapporteur on Adequate Housing visited community organizations in New Orleans, New York City, and Los Angeles in order to understand the housing crisis taking place throughout the United States.

Advocates are also preparing for the **U.N. Human Rights Committee’s next review of U.S. compliance with the ICCPR**. (Currently the review hearing is scheduled for 2011.) Interested advocates should check with the US Human Rights Network on coordination efforts leading up to the review hearing.

- Advocates in several U.S. cities are carrying out campaigns to **locally implement human rights treaties and related norms**. As discussed above,

San Francisco approved the first ordinance to implement the principles of CEDAW at the local level. In 2009, Berkeley, California's City Council passed an ordinance that required the city to report on its compliance with ratified international human rights treaties; and in Chicago, Illinois, the City Council passed a resolution to promote the policies and practices contained in the Convention on the Rights of the Child. Advocates in these cities are now focused on meaningful implementation of the ordinances. There are also efforts in Eugene, Oregon; Seattle, Washington; New York City; and Helena, Montana to incorporate human rights standards in local government practices. (These efforts are profiled in more detail in *Perfecting Our Union: Human Rights Success Stories from Across the United States*.)

• The **Campaign for a New Domestic Human Rights Agenda** is a coalition of national and grassroots organizations that advocate for the creation or strengthening of federal and state human rights enforcement mechanisms. Its objective include:

- the revitalization of the Interagency Working Group on Human Rights – a coordinating body amongst federal agencies for the promotion of human rights and the domestic implementation of human rights obligations;
- the reconstitution of the U.S. Commission on Civil Rights into the U.S. Commission on Civil and Human Rights;
- meaningful government compliance with CERD; and
- strengthened federal, state, and local government coordination in support of human rights.<sup>8</sup>

A Steering Committee comprised of organizations such as the ACLU, the Leadership Conference on Civil and Human Rights, the US Human Rights Network, and others, lead the coordination efforts. The campaign's work is mainly implemented through four sub-committees that reflect the main goals.

• There are also several **issue-based, national campaigns that are being coordinated by domestic human rights organizations**. The Dignity in Schools Campaign is a coalition of advocates that seeks to reframe the debate around school discipline. It promotes a human rights perspective that respects the child's right to an education, and advocates for child-centered, dignified reform to keep children in school. The Campaign to Restore National Housing Rights is a coalition of housing rights organizations that calls for universally available, adequate housing, and highlights the housing crisis that poor communities face during harsh economic climates.

The US Human Rights Network coordinates a campaign that responds to the **devastation and displacement caused by Hurricane Katrina and was further exacerbated by Hurricane Rita**. It calls on the U.S. government to recognize survivors as Internally Displaced Persons (IDP). It also advocates for policies and practices grounded in the U.N. Guiding Principles on Internal Displacement – as adopted by the United States Agency for International Development (USAID).

• The second **U.S. Social Forum** takes place in Detroit, Michigan in June 2010. (The first gathering took place in Atlanta, Georgia in June 2007.) Organizers see USSF as much more than a conference. It connects social justice struggles in the United States to other global movements. It also seeks to redefine U.S. social justice work so that it is truly multi-racial, multi-sectoral, inter-generational and internationalist.

Another approach to engaging in domestic human rights advocacy is to **develop in-depth partnerships with human rights educators**. Several organizations, such as the **Human Rights Project at the Urban Justice Center, National Employment Law Project**, and **NESRI** partner with community-based organizations and help them carry out human rights documentation and research projects. They also provide comprehensive workshops and trainings on the practical application of human rights to U.S. social justice

advocacy. **Human rights law clinics** can also be good resources for local organizations seeking technical assistance and advocacy support.

Finally, advocates who wish to meet and develop initial contacts with U.S. human rights organizations should consider **joining a regional or national human rights network**. Many of these organizations host regular membership meetings. Some networks and coalitions include: the *Bringing Human Rights Home Lawyers Network*, the *Midwest Coalition for Human Rights*, the *Poor People's Economic Human Rights Campaign*, the *Southern Human Rights Organizers Network*, and the *US Human Rights Network*.

## Appendix

### Referenced Organizations

#### American Civil Liberties Union

125 Broad Street, 18th Floor  
New York NY 10004  
(212) 549-2500  
www.aclu.org

#### Bringing Human Rights Home Lawyers Network Human Rights Institute, Columbia Law School

435 West 116th Street, Box B-28  
New York, NY 10027  
(212) 854-2493  
hri@law.columbia.edu  
www.law.columbia.edu/center\_program/human\_rights/  
HRinUS/BHRH\_Law\_Net

#### Catholic Legal Immigration Network, Inc (CLINIC)

415 Michigan Ave., NE, Suite 200  
Washington, DC 20017  
(202) 635-2556  
national@cliniclegal.org  
www.cliniclegal.org

#### Community Asset Development Re-defining Education

8510 ½ South Broadway  
Los Angeles, CA 90003  
(323) 752-9997  
info@cadre-la.org  
www.cadre-la.org

#### Human Rights Project at the Urban Justice Center

123 William Street 16th Floor  
New York, NY, 10038  
(646) 602-5600  
www.urbanjustice.org/ujc/projects/human.html

#### Midwest Coalition for Human Rights

c/o University of Minnesota  
267 19th Avenue South  
Minneapolis MN 55455  
(612) 626-7947  
www.midwesthumanrights.org

#### Mississippi Workers Center for Human Rights

P.O. Box 1223  
Greenville, MS 38702 US  
(662) 334-1122  
workersrights@bellsouth.net  
www.msworkerscenter.org

#### National Economic and Social Rights Initiative (NESRI)

90 John Street, Suite 308  
New York, NY 10038  
(212) 253-1710  
info@nesri.org  
www.nesri.org

#### National Employment Law Project

75 Maiden Lane, Suite 601  
New York, NY 10038  
(212) 285-3025  
www.nelp.org

#### National Network for Immigrant and Refugee Rights

(510) 465-1984  
nnirr@nnirr.org  
www.nnirr.org

#### The Opportunity Agenda

568 Broadway, Suite 302  
New York, NY 10012  
(212) 334-5977  
contact@opportunityagenda.org  
www.opportunityagenda.org

#### Poor People's Economic Human Rights Campaign

2671 Haddam Road  
Cleveland, Ohio 44120  
(216) 651-2606  
info@economichumanrights.org  
www.economichumanrights.org

#### Southern Human Rights Organizers Network

P.O. Box 1223  
Greenville, MS 38702 US  
(662) 334-1122  
workersrights@bellsouth.net  
www.msworkerscenter.org

#### US Human Rights Network

250 Georgia Avenue SW suite 330  
Atlanta, GA 30312  
(404) 588-9761  
info@ushrnetwork.org  
www.ushrn.org

#### Women's Institute for Leadership Development for Human Rights

2850 Telegraph Avenue, Suite 500 #7220  
Berkeley, CA 94705  
(510) 643-5774  
adavenport@law.berkeley.edu  
www.law.berkeley.edu/mgcl.htm

**Referenced Publications**

1. *Bringing Human Rights Home*, ed. Cynthia Soohoo, Catherine Albisa, and Martha F. Davis. Praeger Publishers, 2007.
2. *Close to Home: Case Studies of Human Rights Work in the United States*, Ford Foundation, 2004.
3. *Eyes off the Prize: African-Americans and the Struggle for Human Rights 1948-1954*, by Carol Anderson. Cambridge University Press, 2003.
4. *Human Rights and Domestic Violence: An Advocacy Manual*, Columbia Law School, 2010.
5. *Human Rights at Home: A Domestic Policy Blueprint for the New Administration*, American Constitution Society for Law and Policy, 2008.
6. *Perfecting Our Union: Human Rights Success Stories from Across the United States*, U.S. Human Rights Fund at Public Interest Projects, 2010.
7. *The Persistence of Racial and Ethnic Profiling in the United States: a Follow-Up Report to the U.N. Committee on the Elimination of Racial Discrimination*, the American Civil Liberties Union and the Rights Working Group, 2009.
8. *Something Inside So Strong: A Resource Guide on Human Rights in the United States*, US Human Rights Network.

**Referenced Campaigns**

Campaign to Restore National Housing Rights  
<http://restorehousingrights.org/>

Dignity in Schools Campaign  
<http://www.dignityinschools.org/>

U.S. Social Forum  
[www.ussf2010.org](http://www.ussf2010.org)

**Interviewed Advocates**

Ancheta, Angelo. Professor of Law, Santa Clara Law at Santa Clara University

Bhatnagar, Chandra. Staff Attorney, Human Rights Program, American Civil Liberties Union

Chin, Maisie. Co-founder and Director, Community Asset Development Redefining Education (CADRE)

Dakwar, Jamil. Director, Human Rights Program, American Civil Liberties Union

Desai, Bhairavi. Founding member, New York Taxi Workers Alliance

de Silva-de Alwis, Rangita. Director, International Human Rights Policy, Wellesley Centers for Women at Wellesley College

Dharmaraj, Krishanti. Executive Director, Women's Institute for Leadership Development (WILD) for Human Rights

Dutt, Mallika. Executive Director, Breakthrough

Galedo, Lillian. Executive Director, Filipino Advocates for Justice

Gonzalez, Priscilla. Director, Domestic Workers United

Hasegawa, Lisa. Executive Director, National Coalition for Asian Pacific American Community Development

Huang, Margaret. Executive Director, Rights Working Group

Iyer, Deepa. Executive Director, South Asian Americans Leading Together (SAALT)

Khan, Hamid. Executive Director, South Asian Network

Kwoh, Stewart. President and Executive Director, Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

Le, Tuyet. Executive Director, Asian American Institute, a member of the Asian American Center for Advancing Justice

Lee, Eun Sook. Executive Director, National Korean American Service & Education Consortium

Liu, Titi. Executive Director, Asian Law Caucus, a Member of the Asian American Center for Advancing Justice

Narasaki, Karen. President and Executive Director, Asian American Justice Center, a member of the Asian American Center for Advancing Justice

Pan, Vincent. Executive Director, Chinese for Affirmative Action

Punongbayan, Chris. Deputy Director, Asian Law Caucus, a member of the Asian American Center for Advancing Justice

Ranjit, Luna. Executive Director, Adhikaar

Sahgal, Archana. Former Director of the Civic Engagement Fund for Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) Communities at Asian Americans/Pacific Islanders in Philanthropy, and Korematsu Institute Steering Committee Member

Saika, Peggy. President and Executive Director, Asian Americans/Pacific Islanders in Philanthropy

Shen, Eveline. Executive Director, Asian Communities for Reproductive Justice

Su, Julie. Litigation Director, Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

Wang, Karin. Vice President of Programs, Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

## Footnotes

- 1 Maisie Chin; Community Asset Development Redefining Education (CADRE); Jamil Dakwar, American Civil Liberties Union (ACLU); Krishanti Dharmaraj, Women's Institute for Leadership Development (WILD) for Human Rights; and Rangita de Silva-de Alwis, Wellesley Centers for Women were presenters. Titi Liu, Asian Law Caucus, moderated the panel.
- 2 A list of interviewed advocates can be found in the appendix.
- 3 A full account of the U.S. government's leadership in developing human rights law and its subsequent disassociation can be found in Carol Anderson's *Eyes off the Prize: African-Americans and the Struggle for Human Rights 1948-1954*.
- 4 Jessica Gonzales' case is a tragic one. In 1999 her estranged husband abducted their three daughters in violation of a restraining order. Despite Gonzales' repeated calls for their intervention, the county police department failed to enforce the restraining order. Nine hours later, her estranged husband showed up at the police department and was killed in a subsequent shoot out. Gonzales' three daughters were then found dead in the trunk of their father's car. The Supreme Court held that Gonzales did not have an individual right in an order of protection and could not sue the Colorado town that had failed to enforce it. Faced with no other domestic remedies, the ACLU took Gonzales' case to the IACHR. For more on Jessica's case: [http://www.udhr60.org/hr\\_advancing\\_equality.pdf](http://www.udhr60.org/hr_advancing_equality.pdf)
- 5 The UPR is a human rights mechanism created by the U.N. Human Rights Council. It involves a review of the human rights records of each of the U.N. member states every four years. In 2010 the HRC will examine the U.S. government's accordance with the Charter of the United Nations; the UDHR; and the human rights treaties it has ratified.
- 6 287(g) programs formally devolve responsibility for immigration enforcement to local law enforcement through memoranda of agreements between the Immigration and Customs Enforcement agency and local jurisdictions.
- 7 "Special Rapporteurs" are individuals who work on behalf of the United Nations in order to investigate and report on human rights violations. They usually have a thematic assignment, such as violence against women, extrajudicial killings, or adequate housing.
- 8 These goals are more fully detailed in the 2008 publication: *Human Rights at Home: A Domestic Policy Blueprint for the New Administration*.

## Korematsu Institute Programs

### Education

**Fred Korematsu Day & Curriculum:** The Institute is garnering community support to pass a landmark bill marking Fred Korematsu Day in the state of California. If successful, the day creates a significant opportunity to introduce curriculum to California's public schools to teach students about Fred Korematsu, Japanese-American internment as well as current civil rights issues related to national security policies. On May 20, 2010, the Assembly Floor passed the bill with an overwhelming, bipartisan vote of 69-0. If successful, the first Fred Korematsu Day will be commemorated in California schools on Monday, January 31, 2011, in honor of Korematsu's birthday on January 30.

**Museum exhibits:** We are researching and preparing materials to include Fred Korematsu's story, along with the story of other internment resisters, in the museum collections of the Japanese American Museum of San Jose as well as other collections across the country.

### Multimedia

**Web site:** our site is currently being transformed into a resource center for information on Fred Korematsu's case, racial equality, civil rights and human rights. It will host multimedia content including videos, educational materials and advocate messaging toolkits. The site will thus serve as an important link among diverse ethnic communities.

***Of Civil Wrongs and Rights: the Fred Korematsu Story:*** The Institute is now the sponsor behind the 2001 Oscar-shortlisted documentary film, *Of Civil Wrongs and Rights*, directed by Eric Fournier. We will organize screenings of the film, but also work toward scheduling more broadcasts or web streams. Over the course of the next year, we will research and identify archival materials (newspaper clippings, etc) and footage (ie extended interviews) that will be most useful for our web site and educational programs. We are currently in the process of digitizing the film's archival materials and footage for our web site and educational programs. We are also seeking archival footage from the community to digitize and upload to our web site's future video channel.

**Original documentary productions:** The Institute worked closely with the Asian Law Caucus to produce the documentary film *This is My Country*, about civil liberties infringements under current national security policies. The film premiered at ALC's annual dinner on April 9, 2010, before an audience of more than 700 people.

### Events

The Institute sponsors a range of lectures, film screenings, museum exhibits and cultural events to educate a broad demographic about Fred Korematsu's legacy, Japanese-American internment, as well as current pan-ethnic civil rights issues. Some events will be co-sponsored by other prominent civil rights groups and museums around the country.

### Human Rights Frameworks

The Korematsu Institute seeks to understand how human rights tools can be effective resources for emerging leaders in the U.S., especially in immigrant communities. The Institute has organized panels focused on human rights organizing strategies in Asian-American advocacy groups at the annual Advancing Justice conference.

### Activist of the Year

The Korematsu Activist of the Year award honors an emerging leader with a deep commitment to racial equality and a track record of transforming this commitment to effective action. The award carries a cash prize of \$2,000 and an opportunity to be a resident (with a living stipend) at the Korematsu Institute for up to a year. Criteria and deadline to be announced.

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# Domestic Dignity

## Human Rights In Asian American Advocacy

In the past decade, activists, funders and policymakers in search of more effective perspectives and tools to create positive social change in their communities have increasingly turned to human rights tools.

These tools such as fact-finding, litigation, organizing and advocacy in reference to international human rights law and norms, had previously been employed by U.S.-based activists working in international contexts, but had not been applied closer to home in U.S. communities and jurisdictions.

A number of successful examples have emerged of organizations using these tools in an effective effort to reduce poverty, promote workers' rights and environmental justice, abolish the death penalty and end discrimination. Many questions remain, however, about the effectiveness of human rights frameworks as communications and organizing strategies. For the most part, Asian American social justice advocacy groups have not mobilized these frameworks as organizing, advocacy or litigation tools.

Furthermore, the role of these strategies for Asian American advocacy groups may play out differently than it does for other types of organizations. On the one hand, immigrant constituencies and advocates from certain countries may bring to the U.S. a fluency in human rights frameworks and a perspective of social justice that is more interconnected and international. On the other hand, human rights concepts can be alienating to immigrants from Communist regimes in Asia.

To further our mission on leadership development in Asian American communities, the Korematsu Institute is seeking to understand how human rights tools can be an effective resource for emerging leaders, especially in immigrant communities.

We are excited to share our initial findings with you in this report.