Volume 11, Issue 1
April 2015

Speak!

human rights at home

On Canadian Security
Exploring Bill C-51

African Americans
and the Struggle for Equality

Plus: *the truth about how your iPhones, coffee, and clothing are made*

jhr

Journalists for Human Rights (JHR) @ McGill, a Students' Society of McGill University club since 2003 and the McGill chapter of the national NGO, is a group of students actively engaged in informing their community about local, national, and international human rights issues through media campaigns and other on campus projects.

JHR's goal is to make everyone in the world fully aware of their rights as human beings. Creating rights awareness is the first and most necessary step to ending rights abuses. By mobilizing the media to spread human rights awareness, JHR informs people about human rights, empowering marginalized communities to stand up, speak out and protect themselves. By concentrating our programs in post-conflict African countries like the Congo (DRC), Liberia and Sierra Leone, JHR is improving human rights where they are most at risk.

JHR provides unbiased media and capacity building training to African journalists. Typically, a JHR trainer will work alongside an African journalist for 6-8 months, mentoring him or her and helping with field production. JHR stays in each country for only 5 years, in order to promote sustainability without dependency. JHR partners with local media organizations to reach millions of people at risk of abuse with information on how to protect their rights, and the rights of others.

JHR @ McGill also provides students with national and international human rights journalism opportunities. the JHR Chapters Program has offered McGill students opportunities for publication in national magazines and academic journals and the chance to participate in media internships in Ghana. JHR's Train the Trainer Conference on Media and Human Rights has been hosted four times at McGill.

JHR @ McGill is always open to new members, so if you would like to write and edit articles for Speak!, assist with the radio broadcast or TV production, or help organize fundraising or advocacy events, please send us an email at jhrmcgill@gmail.com and we will add you to our listserv.

To learn more about JHR's international work, please visit: www.jhr.ca

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letter from the editors

Often when we read about human rights violations, there is a tendency to focus on those abroad, out of sight. It is easier to identify the problem when you are far away, and even easier to shirk any responsibility. Of course, Journalists for Human Rights has always advocated for taking on some responsibility, at least by way of becoming an informed citizen. This 11th volume of Speak! aims to bring the focus home by exploring human rights issues as they might relate to the daily life of a McGill student. With one section discussing recent Canadian issues and another addressing the ongoing struggle for equality for most African Americans, we hope that the diversity of topics will appeal to readers and address only some of the many human rights abuses that occur in North America every year.

Moreover, the hierarchal structure of today's global economy often facilitates the exploitation of poorer nations in order to satisfy the needs of the West, much to the detriment of millions of workers each year. The last section of this edition is probably most applicable to the McGill student, as its articles expose the behind-the-scenes production of many of the commodities we consume daily, such as iPhones, coffee beans, soya, and clothing. As relentless consumers of these products, we share in the responsibility behind these human rights abuses, and must do our part in order to ameliorate them. We hope readers find this volume informative as well as thought-provoking, and are left inspired to advocate for the importance of human rights issues.

With love,

Jacob, Stephanie, and the Speak! team

4 April, 2015

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Canada Debates the "Right to Die"

Ariel Montana

On Feb. 6th, the Supreme Court of Canada struck down the prohibition on assisted suicide in Carter v. Canada. The Court found that such a restriction infringes upon the rights of suffering individuals to life, liberty, and the security of the person as provided under Section 7 of the Canadian Charter. This landmark decision notably reopened the discussion on assisted suicide that had been tabled in October by the governing Conservative Party.

The case was filed by British Columbia residents Kathleen Carter and Gloria Taylor in 2011, both suffering from amyotrophic lateral sclerosis (ALS). Taylor died from medical complications in 2012, leading Carter to appear before the British Columbia Supreme Court accompanied by the British Columbia Civil Liberties Association. In a unanimous ruling, the Court struck down section 241(b) of the Criminal Code. The judicial pronouncement allows physicians to administer assisted suicide to consenting adults experiencing intolerable physical or psychological suffering caused by a severe and incurable illness, disease, or disability. The Court is giving 12 months for Parliament to draft the appropriate legislation.

The ensuing debate polarized those in support of the Court's ruling and those in favour of a more conservative policy. The controversy is rooted in a juxtaposition of rights: the right of doctors to uphold their moral conscience and the right to life. Supporters defend autonomy as an exercise of the right to life. The opposing view is represented by others like Dr. Margaret Cottle, vice-president of the Euthanasia Prevention Coalition, who stated to the Toronto Star that such a decision undermines the value of life since "all lives are worth living."

Supporters of assisted suicide gathered in front of the Supreme Court in Ottawa, 2014. Source: Toronto Star

A Forum Research poll of 1,078 Canadians conducted a week after the verdict found that the majority of Canadians supported the Court's decision, responding 78 percent in favour. Dying with Dignity, a leading advocacy group for assisted suicide in Canada, was amongst those celebrating the verdict. The organization notes on their website that this decision empowers the terminally ill who often prematurely end their lives in fear of the inability to do so in the future. Quebec Health Minister Gaetan Barrette expressed similar sentiments as the representative of Canada's first province to legalize assisted suicide in the end-of-life care bill last year.

The extension of the right beyond those who are terminally ill has caused others to be less supportive of the Court's ruling.

Canadian Association for Community Living in Canada (CACL), which advocates for the rights of disabled persons, protested the ruling's indiscriminate nature on their website. The organization called the decision a disservice to the disabled who they argued "are worthy of the utmost respect" and would better profit from access to palliative care.

Such critiques echo the concerns of the Supreme Court that led to the opposite ruling in the precedent case, Rodriguez v. British Columbia. Suffering from ALS, Sue Rodriguez appealed to the Court for the legal right to assisted suicide in 1991. In a close verdict of 5-4, the Court upheld the prohibition on assisted suicide, finding that it did not violate any of the Section 7 principles of fundamental justice. The Court emphasized the need to respect human life, noting the morally ambiguous "slippery slope" that the opposite ruling could produce.

The government will have to mitigate these views in legislation, which may play a role in the forthcoming October elections.

What Bill C-51 Means for Canadian Security: Suspicion over Evidence?

Fanta Kamara

"We want to make sure that we get a balance – that we protect the rights of Canadians and also the security of Canadians. We must protect both," Prime Minister Stephen Harper said in January 2015, almost three months after an attack on Parliament Hill that left Canadians and the rest of the world in shock.

On the morning of Oct. 22, 2014, Michael Zehaf-Bibeau, a Quebec native, opened fire on the National War Memorial where he killed a soldier, Corporal Nathan Cirillo, and then moved on to Parliament Hill, where he was fatally shot after a struggle. This was the largest attack on Parliament in nearly 50 years, since the 1966 Parliament bombing, and came only two days after the death of another police officer, Warrant Officer Patrice Vincent, who fell victim to a targeted hit-and-run in St-Jean-sur-Richelieu, Quebec. Both incidents were classified as terrorist acts.

This spike in violence, uncommon in Canada especially in comparison to its American neighbour, has reopened Canada's security debate and led to the proposal of Bill C-51. Bill C-51 aims to strengthen police and Canadian Security and Intelligence Service (CSIS) powers in order to increase the security of the Canadian people. It will give the police power to arrest someone if they may, rather than will, carry out a terrorist act, and CSIS the power to prevent terrorist acts by allowing preemptive action. This means they can act on suspicion rather than fact.

Although a security enhancement is usually welcome, many critics fear that Canada will follow in the footsteps of the United States and the United Kingdom, which have both enacted terrorist-combatting legislation that have limited the rights and freedoms of civilians.

The U.S. enacted the notorious USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) in October of 2001, shortly after 9/11. While the upgraded security measures were needed and justifiable, the fact that most Senators had not read the entire Act before it was passed became very controversial, as did some of the specific activities the Act made legal. For example, section 215 of the USA PATRIOT Act, titled Access to records and other items under the Foreign Intelligence Surveillance Act, permitted the National Security Agency (NSA) privacy violations that were exposed to the public by Edward Snowden in 2013.

Section 215 was interpreted by the NSA to mean that it could access private phone calls of whomever it pleased with the help of the Federal Bureau of Investigation. Additionally, section 206 sanctions the use of roving surveillance, meaning that intelligence agencies can intercept the communications of a specified person using any means necessary. Previously, this was limited to a specific line of communication.

These expansions of intelligence agencies' powers have limited civilian privacy rights in the U.S., and critics of Bill C-51 fear Canada will soon follow in its footsteps. "This Act would seemingly allow departments and agencies to share the personal information of all individuals, including ordinary Canadians who may not be suspected of terrorist activities, for the purpose of detecting and identifying new security threats," Privacy Commissioner Daniel Therrien said in a statement following the tabling of Bill C-51 on Jan. 30.

These privacy concerns are not preemptive, however, as the story does not begin with Bill C-51. Bill C-13, known as the Cyberbullying Act, which will come into effect in March of this year, has already put limits on privacy rights.

Previously, reasonable grounds that an offence had been committed and that a search would provide evidence supporting that claim was needed to obtain a warrant granting access to computer, transmission and tracking data. However, the Cyberbullying Act lowered this threshold to the point where police only need reasonable grounds for suspicion in order to obtain such a warrant. This notion of simply needing suspicion rather than evidence before action can be taken is reflected in Bill C-51 and is the cause of much of its criticism.

The U.K. also fell under critique when it passed terrorism-combating legislation that limited freedom of speech. As of 2006, it is illegal in the U.K. to make a statement that can be understood as directly or indirectly encouraging terrorism, regardless of whether the statement relates to terrorist acts or someone acts on an inference made from the statement. This means as long as someone can interpret a statement as an encouragement or glorification of terrorism, a crime has been committed. Canada actually has a similar law, in the form of an amendment made to the Criminal Code in 2001, although it is less broad. Section 83.21 (1) of the Criminal Code states, "Every person who knowingly instructs, directly or indirectly, any person to carry out any activity for the benefit of, at the direction of or in association with a terrorist group, for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activ-

-ity, is guilty of an indictable offence and liable to imprisonment for life."

Due to such amendments that were made in 2001 and 2013 via the Anti-Terrorism Act and the Combatting Terrorism Act, respectively, many wonder whether Bill C-51 is necessary. The police and CSIS already have vast powers to combat terrorism and Bill C-51 does not directly provide a solution for the circumstances that led to the tragic attack on Parliament Hill in October of last year.

Bill C-51 would allow the police and CSIS to engage in somewhat questionable activities. CSIS and police would be allowed to "disrupt" suspected terrorist activities and could arrest a suspect if they believe he or she could commit or be involved in an act of terror and detain him or her for up to a week (previously three days) without pressing charges. These powers, however, are both limited. The first does not allow CSIS to kill or seriously injure a suspect and the second requires a judge's approval.

The major problem, however, is that in its entirety, the bill is still relatively vague about what police and CSIS powers encompass. This is acceptable for CSIS powers because the organization operates on ambiguity and flexibility, but not for police powers, as civilians need to know their rights. The fact that clear boundaries are not established for police powers creates a vast grey area that is up to subjective interpretation, which undermines civilian rights and their ability to preserve them.

Although Bill C-51 was proposed with good intentions as a solution to the problem of terrorism, it threatens the privacy rights of Canadian civilians and would allow security forces to function on a web of suspicion, rather than evidence. The tragic attacks on the police force and recent security threats are a problem, but Bill C-51, in its present state, is not the solution.

MONTREAL IN ACTION

Security in our Society: Art Souterrain 2015

Lauren Ng

In metro stations, closed malls, and conference centers, crowds huddle around works of art recently installed in these public places. People – young and old, male and female, veterans and novices of Montreal's art scene – discuss and point, all while under the careful surveillance of trailing security guards and inconspicuous cameras.

Ironically, "Security in Our Society: What Remains of Our Personal Freedoms?" was the theme for the seventh annual Art Souterrain Festival in Montreal, which aims to increase the wider public's access to contemporary art from around the world by placing pieces in busy areas instead of in traditional exhibits . It also offers services to enhance understanding, including audio-guides, in-person interpreters and an iPhone app. Events such as workshops, round tables and guided tours took place from February 28th to March 15th, coinciding with the wider Nuit Blanche, of which the festival is a part.

This year, the unique and inventive concept of Art Souterrain was paired with an equally beguiling theme. According to its website, the festival revolved around the question: "Is it possible to find a balance between our needs of safety and freedom? Can we be made safe without having our liberty encroached upon?"

If meant to be widely accessible, Art Souterrain certainly succeeds in addressing an issue that is relatable to all and also increasingly salient. The development and near universal diffusion of technology in everyday life has, at most, enabled the possibility of an Orwellian state and at least, blurred the distinction separating the public and private spheres. Recently, the debate between maintaining security on one hand and protecting privacy rights and liberties on the other has dominated discourse time and time again – notably during the 2013 Snowden leak regarding extensive NSA surveillance and the introduction of anti-terror legislation such as USA PATRIOT Act and its current proposed Canadian counterpart, Bill C-51.

In their works, the artists of Art Souterrain strive to comprehend and reproduce the deep ambivalence in society regarding the extent of surveillance. In a variety of media including film, sculpture, and performance, what they convey are questions and considerations, rather than a pointed message.

"It's not so much a critique. I wanted to pose a question that would provoke thought," said Montreal's Michael A. Robinson, one of the artists exhibited at Art Souterrain this year. His work Subject to Scrutiny is an impressive and imposing sculptural installation composed of over 100 tripods and cameras sucked into the center by seemingly magnetic force, accompanied with flashing lights and continuous shutter sounds. Robinson describes this work as one where the "object has become the subject, and vice versa." With the look of something supernatural, the spherical composition of cameras points its gaze in all directions and appears as if past human control.

Subject to Scrutiny by Michael A. Robinson was on display at Complexe des Ailes for the Art Souterrain festival in Montreal from February 28th to March 15th. Source: Boucher and Lecland, Le Vadrouiller Urbain

Likewise, surveillance in the world seems to have taken on a life of its own. Those who control and view surveillance – the subjects, humans – are the very objects, yet we seem unable to avoid the ubiquitous monitoring that traces our every physical and digital move.

"In a way, I wanted to represent how surveillance cameras are everywhere to the point where it has become normalized," Robinson further explains, "and when you think about all this data that is recorded, it becomes meaningless."

Robinson and his work hit upon an interesting point in regards to surveillance: while monitoring watches everybody, most of the time it has no focus in particular. It does not tell the full narrative of a person's life, but rather takes segments and turns them into data to be analyzed and stored. This depersonalization and the government's removal of an individual's subjectivity is exactly what facilitates the state's transgressions into the private sphere.

As seen with Subject to Scrutiny, works of art are fascinating as projections of reality that uniquely highlight or frame different aspects. However, the art world is necessarily embedded in current political reality as well, an intersection that led to controversy surrounding Art Souterrain this year. Art Souterrain received criticism over its choice of invited honouree, the country of Israel, who sent a delegation of six artists and whose consulate contributed 2% of the festival's budget.

Israel has faced allegations of severe human rights violations in their treatment of Palestinians, especially the most recent 2014 conflict with Hamas along with the ongoing military occupation of West Bank and blockade surrounding Gaza. In these operations, Israel has engaged in the use of unlawful lethal force, forcible displacement, discriminatory practices and deprivation of rights and freedoms, which include, for example, restrictions on the movement of Palestinians.

In light of this, several Palestinian artists have withdrawn from the festival. In an open letter to Art Souterrain, artists Mary Ellen Davis, Will Eizlini, and Jose Garcia-Lozano wrote, "We do not want to participate in your activities… because your association with the Consulate of Israel attributes prestige to a State guilty of war crimes, of violating international law, of applying apartheid policies inside its own borders and in the occupied territories."

The three artists have called for others to instead join the worldwide Palestinian BDS (Boycott, Divestment, Sanctions) campaign. While they have received strong support from some organizations, such as the group Independent Jewish Voices, many other artists in the group expressed more bounded support, voicing sympathy to the Palestinian cause while choosing to remain in the festival.

All in all, while Art Souterrain badly blundered in its choice of honoured guest, it successfully probed the relevant question of how we negotiate the upcoming security tensions between surveillance and liberty that arise from our technological immersion. In doing so, the festival raises one more: how does art affect how we negotiate political reality?

Decriminalize Now: Sex Work and Human Rights

Lauren Hanon

Sex work, or prostitution, is usually considered as a last resort for a poor woman, where the idea of choice is non-existent. Indeed, this is the case for some people, but this is not the experience of every sex worker, and sex work is not limited to prostitution. The general public tends to think of prostitution as inherently violent and morally evil. This idea is usually articulated in arguments that claim that a person should never have to sell his or her body, and no one should be able to buy another person's body, especially when it comes to sex. What I would like to talk about in this article is not the morality of sex work; rather I would like to discuss the rights of sex workers, particularly their rights as human rights. In order to do this, we have to clear up a few things.

Basic Assumptions

First, your opinion of the morality of sex work has nothing to do with the rights of sex workers. If you think that sex work is wrong, then don't become a sex worker. The health and safety of all people should be more of a public concern than the moral choices of individuals. In this proposition, I am claiming that the right to be an autonomous agent who is capable of making his or her own decision outweighs the right to impose one person's moral framework onto another. On the hierarchy of rights and what we as a society should defend, personal agency is more important in a free and democratic society than one conception of morality informing everyone's decisions.

Second, and this is extremely interrelated with the first point made above: we all need to be cognizant of where we are coming from before engaging in this discussion. The reason that I am advocating for the decriminalization of sex work is because I believe that people who are sex workers need and deserve to be protected just as much as any other people in any other profession, and they are unable to do that if their livelihood is deemed criminal. In order to contribute to fighting this social injustice, we need to listen and learn from sex workers, and from there we can see what we can do to help. I am indebted to a friend of mine who has sex work experience and who has taught me so much about this issue.

If you disagree with either of the two aforementioned points, you need not read any further, because those are my critical assumptions upon which I base my discussion.

Prostitution in Canada: Bedford and Bill C-36

In order to adequately situate the rights of sex workers in Canada within the framework of human rights, we must first understand the Canadian situation and the political climate with respect to sex work. Exchanging sex for money in Canada is not illegal. What makes sex work effectively criminalized are the provisions in the Criminal Code that render activities surrounding sex work illegal. These provisions, which I will explicate shortly, were constitutionally challenged in Canada (Attorney General) v Bedford. The Supreme Court of Canada (SCC) struck down various provisions because they were deemed unconstitutional, and the government responded to this ruling with Bill C-36. What follows is a brief summary of the Bedford case, where the rights of sex workers are discussed within the context of the Constitution. Following, I will discuss these rights as they translate into human rights. Finally, I will present the Canadian response to sex worker rights in the form of Bill C-36 (Protection of Communities and Exploited Persons Act), illuminating how the Canadian government continues to deny sex workers their human rights.

In 2013, the SCC struck down three sections in the Criminal Code as unconstitutional because they violate sex workers rights under section 7 of the Canadian Charter of Rights and Freedoms. Section 7 of the Charter protects the right to life, liberty, and the security of the person. The section of the Criminal Code that were struck down were s. 210 (keeping, or being found in a bawdy house), s. 212(1)(j) (living on the avails of prostitution), and s. 213(1)(c) (communicating in public for the purpose of prostitution). The Chief Justice asserted that while the government has the right to regulate prostitution, a completely legal activity, the aforementioned regulations create extremely dangerous conditions for sex workers by removing their ability to take precautions to better protect themselves and to reduce risk (para 60).

Section 210 makes it illegal to live in, enter into, or occupy in any a bawdy house. The court identifies three different categories of sex work: street prostitution, in-calls, and out-calls. S. 210 aims at limiting prostitution to out-calls, where the sex worker and the client meet at a designated location, and street prostitution, where a sex worker solicits clients in a public space. On a balance of probabilities, in-calls, where the john comes to the sex worker's place of residence, is the safest form of sex work. By prohibiting in-calls, sex workers have zero ability to implement their own security measures and indoor safeguards like receptionists or security guards, and it "interferes with provisions of health checks and preventative health measures" (para

Supporters of sex workers gathered outside the Supreme Court in Ottawa on January 19th, 2012 after a hearing in which prostitution laws were debated. Source: Jenn Farr, Creative Commons

64). This section forces sex workers into more dangerous situations and violates their right to security of the person.

Section 212(1)(j) criminalizes living on the avails of prostitution of another, in whole or in part. This provision targets exploitative and parasitic relationships, such as where a sex worker is employed by a pimp. In effect, it prevents sex workers from hiring people like bodyguards, receptionists, drivers, and other positions that would greatly reduce risks like violence from clients. This provision again increases the danger to sex workers and violates their right to security of the person.

Section 213(1)(c) prohibits any form or attempt of communication for the purposes of exchanging money for sex in a public space, or a place open to public view. Face to face communication is an essential tool for reducing risks for street prostitution. This tool allows the sex worker to screen prospective clients for reasons like intoxication. This provision also has the effect of displacing sex workers from known locations where they could have safety precautions, and it prevents any form of discussion of the terms of the work, such as condom use. By greatly increasing the danger to sex workers, this provision also violates their right to security of the person.

The SCC declared these provision invalid, although their invalidity would be suspended for one year in order to give the government time to respond with new legislation. This new legislation took the form of Bill C-36, which received Royal Assent on November 6th, 2014.

Bill C-36 criminalizes the purchase of sex, the communication of exchanging sex for money, gaining material benefit from sex work, and advertising sexual services. This legislation goes against the spirit of and the letter of the law laid out in Bedford. Not only does this fail to address the constitutional concerns and the safety of sex workers, it further endangers sex workers by creating stricter regulations and added provision that would most likely violate the Charter rights of freedom of expression and equality. It is only a matter of time before these provisions are chal-

lenged in the same fashion as in Bedford.

If sex work were politically and cognitively more distinct from human trafficking, then the concepts of choice and respect for decisions, and agency would be more readily acknowledged. Political and social rhetoric conflate these two different phenomena, lumping all sex workers into the category of victims of human trafficking.

Sex work has historically been very closely associated from the perspective of lawmakers in Western countries with trafficking. The fundamental underpinnings of human rights are the basic freedoms of respect for autonomy and consent. This becomes particularly pertinent when we look at Article 23(1) of the UDHR, which states "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work,o protection against unemployment." Once sex work is understood to not be equivalent to trafficking, then we can begin to accept that sex work can be a choice, and, as such, is deserving of basic protections from the State according to international human rights law.

Furthermore, other human rights principles that ought to play essential roles in understanding sex work and defending the rights of sex workers are participation, non-discrimination, and empowerment. The very people who are targeted by sex work laws and policies are the ones who are seemingly actively prevented from having their voices heard. Political views that are sex work-positive routinely face discrimination in the form of non-participation, which is based in the human rights violations of freedom of thought, opinion, and expression. Sex workers have a right to be heard in a political setting. Working in the sex industry does not automatically render a person a victim who has no autonomy, and treating them as such is offensive not only to sex workers, but also to victims of human trafficking, in addition to being a violation of human rights.

In Canada, these human rights violations are targeting an already marginalized population, further entrenching their stigmatization. By failing to allow sex workers the means required for protecting themselves, they are perpetuating violence. It is time to decriminalize sex work in Canada – now.

RESEARCH IN FOCUS

UN Treaty Bodies and African American Rights

Priscille Biehlmann

> "We're gradually getting you people weeded out from the better jobs at this plant. We're taking it slow, but we're doing it. Pretty soon we'll have it so the only jobs you can get here are the ones no white man would have."
>
> "How can we live?" I asked hopelessly, careful not to give the impression of arguing.
>
> "That's the whole point."
>
> — John Howard Griffin, *Black Like Me*

Abstract

In this paper, I will explore the effectiveness of UN treaty bodies in advancing the rights of African Americans in the United States. I will first look at how groups attempted to use the newly created UN institutions to advance the American Civil Rights Movement, looking specifically at the Civil Rights Congress' 1951 petition to the UN. I will then look at how contemporary movements like the 2014 We Charge Genocide movement have used the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention Against All Forms of Racial Discrimination to advance the rights of African Americans in the United States. I conclude that though activist groups have been able to successfully use UN institutions as a forum for bringing international attention to human rights violations committed by the U.S. government against African Americans, until recently they had limited success in getting the UN to directly address these issues. However, in the past few years UN treaty bodies have become an increasingly useful tool for putting internal and external pressure on the U.S. to address issues of racial discrimination.

The UN and the Civil Rights Movement

The rhetoric of human rights that emerged with the establishment of the United Nations (UN) opened new doors for African American activists in the United States. There were numerous attempts by civil rights organizations to use the newly established UN conventions and treaty bodies to advance their cause on the world stage. In 1946, the National Negro Congress presented the first petition to the UN on the plight of African Americans, and the National Association for the Advancement of Colored People followed with a similar petition titled "An Appeal to the World" a year later (Layton, 49-51). Both accused the U.S. government of systematically violating the human rights of African Americans. Yet no effort was more deftly crafted and carefully argued than the Civil Rights Congress' (CRC) 1951 "We Charge Genocide" petition. Unlike its predecessors, which cited human rights violations at large, this petition specifically accused the U.S. government of committing the crime of genocide against its African Americans populations. In the following section, I will look at how the 1951 petition used the framework of the UN Genocide Convention to charge the U.S. government with genocide against African Americans, and assess how effective it was in advancing the Civil Rights Movement.

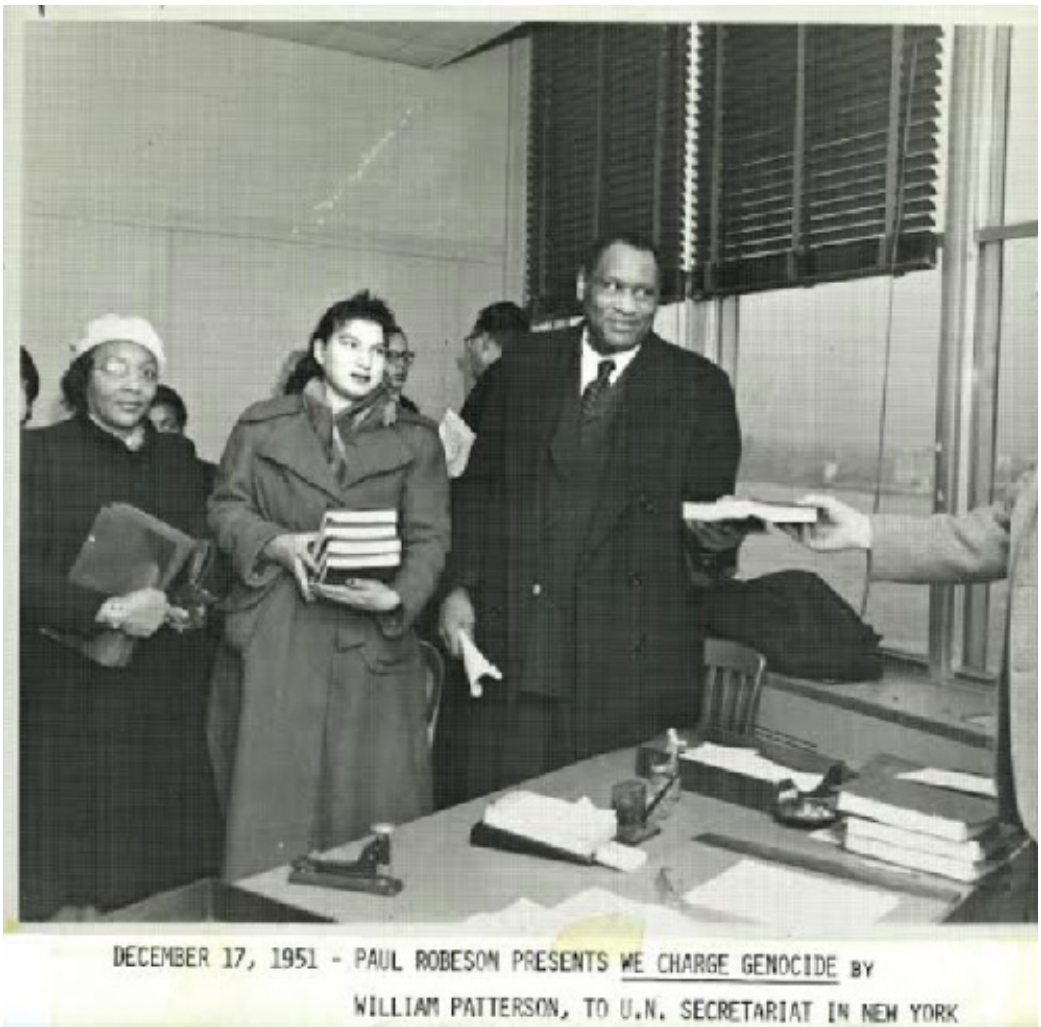
We Charge Genocide: 1951

In 1951, the Civil Rights Congress presented to the United Nations a petition titled, "We Charge Genocide: The Crime of the United States Government against the Negro People." The petition made use of the newly adopted UN Convention on the Prevention and Punishment of Genocide to argue that, "the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of the government," (Civil Rights Congress, 1951).

The 240-page document presented hundreds of cases of racial killings and violence either committed or sanctioned by the U.S. government as evidence of state complicity in the genocide of African Americans. The petition provides an early example of civil rights groups using international institutions to advance the rights of African Americans.

The Legal Argument

To defend its claim, the Civil Rights Congress specifically accused the U.S. of violating Articles II, III, IV, V, VI, VIII, and IX of the Genocide Convention, focusing most of its efforts on clauses (a), (b), and (c) of Article II. To prove that the government had violated Article II (a), the petition provided evidence of hundreds of cases of racial killings "in which the Government of the United States of America [was] directly involved," either by way of the Supreme Court, the executive branch, or state and local police forces (Civil Rights Congress, 58). It then argued that, in violation of Article II (b), the Jim Crow policies of segregation and the constant threat of legal and extra-legal violence that imprisoned African Americans from birth to death resulted in "a condition which is temporarily described by the words 'serious bodily and mental harm,'" (Civil Rights Congress, 46). It also accused the government of deliberately inflict-



On December 17, 1951, Paul Robeson and the Civil Rights Congress submitted the We Charge Genocide petition to the United Nations Secretariat in New York. Source: Daily Worker/Daily World Photographs Collection, Tamiment Library, New York University.

ing on African Americans "conditions of life calculated to bring about [their] physical destruction in whole or in part," claiming that:

"As a result of segregation, of living in ghettos and disease-breeding housing, of being barred from the great majority of hospitals, as a result of discrimination in employment which makes for a tragically low income, of violence which prevents trade union organization, of the semi-peonage of share-cropping, of a terror which prevents members of the group from using political action to better their condition, as a result of these and other factors, the United States Negroes are deprived on an average of nearly eight years of life as compared with the life expectancy of white Americans," (Civil Rights Congress, 46).

The petition concluded by calling upon the UN "to act and to call the Government of the United States to account" for its crimes of genocide against African Americans (Civil Rights Congress, xiii).

Assessing its Effects

As was the case with the two previous petitions, "We Charge Genocide" did not gain much traction within the UN. Though the CRC was able to use its contacts within the French Communist party to distribute the petition to delegates, the General Assembly adjourned its session without discussing it (Anderson, 166-210; Layton, 68). Furthermore, though several representatives from the various delegations "privately displayed much interest in the petition," they "indicated that they did not want to upset the American delegation, since they were seeking economic assistance from the United States" (Martin, 49). In this most direct sense, the UN, in its early years, appears not to have been a particularly useful mechanism for advancing the civil rights movement.

However, the value of the UN for civil rights groups may have extended beyond its willingness to directly accuse the U.S. of human rights violations. The leader of the CRC himself asserted that it "did not matter whether the petition was placed on the UN's agenda or not" (Anderson, 182). Even if

We Charge Genocide activists take a stand against police brutality in the streets of Chicago
Source: www.wechargegenocide.org

the UN did not directly acknowledge crimes against African Americans, it provided the CRC with an international audience to which it could present its grievances. Once presented to the UN, "We Charge Genocide" attained generous coverage by foreign media, particularly by French and Scandinavian newspapers (Anderson 181-190). The petition became "an important and damning reference work on American racial violence for many Europeans" and was often cited by the Soviets to embarrass the U.S. during the Cold War (Martin, 53; Layton 68-70). Through this lens, we can see that the UN provided an important opportunity for the CRC to bring international attention to issues of racial discrimination in the U.S.

UN Treaty Bodies and African America Rights Today

We Charge Genocide 2014

More than 60 years after the original "We Charge Genocide" petition, a group of young African Americans in Chicago established a grassroots non-governmental organization of the same name that works to defend "the rights of young people most targeted by police and most impacted by police violence in Chicago," namely African American youth (We Charge Genocide, 1). The 2014 We Charge Genocide movement (WCG) provides an interesting contemporary example of African American rights groups appealing to international institutions to advance their cause. In November 2014, WCG presented a shadow report to the United Nations Committee Against Torture in which it accused the Chicago Police Department (CPD) of committing acts against youth of color that violate Articles II, X, XII, XIII, and XIV of the Convention Against Torture.

The report called on the Committee to: "(1) identify the CPD's treatment of young people of color as torture and [cruel, inhumane, or degrading torture (CIDT)] as defined by the Convention; (2) Request and demand a response from the CPD regarding the steps it will take both to end this treatment and to fully compensate the individuals, families, and communities impacted by this violence; and (3) recommend that the U.S. Department of Justice open a pattern and practice investigation into the CPD's treatment of youth and color and seek the entry of a consent decree that requires the CPD to document, investigate and punish acts of torture and CIDT, and implement other necessary reforms," (We Charge Genocide, 1).

The Legal Argument

In its carefully drafted report similar to the 1951 petition, WGC specially referred to Articles II, X, XII, XIII, and XIV of the Convention Against Torture to charge the U.S. government, and the CDP in particular, of committing acts of torture and CIDT against African American youth. In an example of how the movement presented its case, the WCG petition accused the U.S. federal government of failing to "substantially acknowledge or provide solutions for the widespread reports of police violence against minorities that the Committee has identified," in violation of article II (We Change Genocide, 11). To argue that the U.S. government has failed to meet its obligations under Article X of the convention, WCG argued that "the continued prevalence of Chicago police abuse and misconduct against predominantly youth of color indicates that the training measures in place are not effective," (We Charge Genocide, 12). WCG also accused the U.S. government of non-compliance with Article XI of the Convention by pointing to its failure to "promptly investigate acts of torture and CIDT by police departments such as the CPD by refusing to establish a federal data system to document and review the demographics, scope, and nature of police misconduct," (We Charge Genocide, 12). These excerpts of the shadow report demonstrate how the Convention Against Torture and its committee have provided WCG with a framework through which it can address problems of racial discrimination in law enforcement.

UN Treaty Bodies

In order to assess how useful UN Treaty bodies have been in responding to movements like WCG, I looked at the concluding reports of three of UN Committees' period reviews of the United States to see how often they reprimanded the U.S. for human rights violations against African Americans. Of the ten UN treaty bodies, three were found most relevant and viable in addressing the issues of racial discrimination in the U.S. These are the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee on Torture. Two other treaty bodies, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights, could in fact provide interesting frameworks for addressing racial issues in the U.S.; however, since the United States has not ratified these respective treaties, it cannot be held accountable by the Committees under these conventions. The following section will assess how useful these three treaty bodies have been in the last 15 years in advancing the rights of African Americans in the United States.

Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination (CERD) stands as the most obvious UN body through which African American activist groups can present their grievances against the U.S. government. The U.S. has been reviewed three times by the Committee since its conception, and has each time been severely reprimanded for committing, whether directly or indirectly, human rights violations against African Americans. In its first periodic report in 2001, the Committee acknowledged the preva-

lence of racially motivated violence, the excessive use of force against African Americans by law enforcement officials, and racial disparities in the prison system, especially with regards to the implementation of the death penalty. Among other recommendations, the Committee requested in this report that the U.S. government "…take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention," (CERD, 2001).

The Committee further addressed issues of African American rights in its second periodic review of the U.S. in 2008, elaborating in depth on problems that disproportionately affect African American communities such as sub-standard housing conditions, limited employment opportunities, inadequate access to health care facilities, under-resourced schools, disenfranchisement, high exposure to crime and violence, racial disparities in the criminal justice system, and excessive use of force by police. It also touched on concerns of discrimination against African Americans in the aftermath of Hurricane Katrina in 2005, as well as concerns over the lack of sufficient data on racial inequalities in state institutions.

The Committee's third report, released in September 2014, provides the most thorough acknowledgment of African American rights violations. It expresses concern over the racial implications of limitations on the right to vote, the criminalization of homelessness, access to healthcare, gun violence, the excessive use of force by law enforcement officials, violence against African American women, racial disparities and racial profiling in the criminal justice system (particularly within juvenile justice systems), housing discrimination, and de facto racial segregation in schools. The report also touches on concerns over "the rate at which African American children in foster care are prescribed psychotropic drugs," and "the current status of political activists from the Civil Rights era who reportedly continue to be incarcerated," (CERD , 2014).

A look at these three reports shows an extensive and increasing recognition of problems of racial discrimination against African Americans by the Committee. Not surprisingly, CERD has proved to be a useful mechanism for African American activist groups to bring international scrutiny to American government policies.

Human Rights Committee

The Human Rights Committee, the treaty body for the International Covenant on Civil and Political Rights, has also proved itself willing to challenge the U.S. on human rights violations against African Americans. In the past 15 years, it has conducted two periodic reviews on the state of various human rights issues the United States, in 2006 and 2014. In its 2006 review, the Committee expressed concern about "reports that some 50% of homeless people are African American although they constitute only 12% of the United States population," "de facto racial segregation in public schools," and the "about five million citizens [that] cannot vote due to a felony conviction, [which] has significant racial implications." Like CERD's 2008 report, it also addressed the way the US handled Hurricane Katrina in 2005, citing concerns over, "information that the poor, and in particular African-Americans, were disadvantaged by the rescue and evacuation plans implemented when Hurricane Katrina hit the United States, and continue to be disadvantaged under the reconstruction plans," (HRC, 2006).

In its most recent April 2014 review, the Committee focused mainly on racial disparities in the criminal justice system. The concluding report cites concerns over racial bias in the use of the death penalty, racial profiling by police forces, particularly in the use of 'stop-and-frisk' practices, and excessive use of force against African Americans by law enforcement officials (HRC, 2014). The Committee specifically calls on the U.S. government to combat racial profiling by federal, state and local law enforcement officials by: "(a) Pursuing the review of its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies and expanding protection against profiling on the basis of religion, religious appearance or national origin; (b) Continuing to train state and local law enforcement personnel on cultural awareness and the inadmissibility of racial profiling; and (c) Abolishing all "stop and frisk" practices." (HRC, 2014). The Human Rights Committee's direct reference to issues of racial discrimination against African Americans demonstrates that, like CERD, it has provided a useful framework for addressing African American rights in the U.S.

Committee on Torture

When I was writing the first drafts of this paper, the evidence suggested that the Committee Against Torture has not been a useful tool for advancing black rights in the U.S. In the Committee's first report on the state of torture in U.S. in 1999, no mention is made of the treatment of African Americans. Though the issue is alluded to when the report cites concerns that "ill-treatment by police and prison guards seems to be based upon discrimination," the victims of this discrimination are not specified to be African Americans, or even racial minorities (CAT 1999). Similarly, in its 2006 review the Committee make only one reference to concerns of racial discrimination by state parties, without mentioning African Americans in particular (CAT 2006).

The lack of recognition of institutionalized violence against African American in these two reports led me to initially conclude that the Committee Against Torture has not provided a useful framework for addressing human rights violations against African Americans. However, when the

Committee released its third and most recent report on the state of torture in the U.S. on November 28, 2014, I was compelled to revisit my assessment. In this most recent review, the Committee specifically called out the Chicago Police Department for committing acts of torture against black and Latino youth, as requested by the We Charge Genocide shadow report featured above. It also expressed "deep concern at the frequent and recurrent police shootings or fatal pursuits of unarmed black individuals," and accused the CDP of violating Articles XI, XII, XIII, XIV, and XVI of the Convention Against Torture.

This is followed by a request that the United States take substantive measures to: (a) Ensure that all instances of police brutality and excessive use of force by law enforcement officers are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection between the investigators and the alleged perpetrators; (b) Prosecute persons suspected of torture or ill-treatment and, if found guilty, ensure that they are punished in accordance with the gravity of their acts; (c) Provide effective remedies and rehabilitation to the victims; (d) Provide redress for CPD torture survivors by supporting the passage of the Ordinance entitled Reparations for the Chicago Police Torture Survivors.

This most recent report suggests that the Committee against Torture may become an increasingly useful institution for addressing human rights violations committed by U.S. law enforcement officials against African Americans.

Conclusion

In the recent reports of these three committees, the U.S. government is frequently reprimanded for committing human rights violations against African Americans. In this sense, we can claim that these UN treaty bodies provide a useful mechanism for addressing issues of African American rights. By publicly denouncing the U.S. government for human rights violations against African Americans, these international institutions have put international and domestic pressure on the United States to more effectively address race issues within its borders. However, it should be noted that the ability of UN treaty bodies to incite actual changes in local, state, and federal U.S. policies may be limited. For now, we can assume that UN institutions have the power to draw international attention to human rights violations and put international and domestic pressures on the states who commit them. With this in mind, we can conclude that the ongoing political, economic, social, and cultural marginalization of African Americans begs a need for the further exploration of how these institutions can be used to bring substantive solutions to racial issues in the United States.

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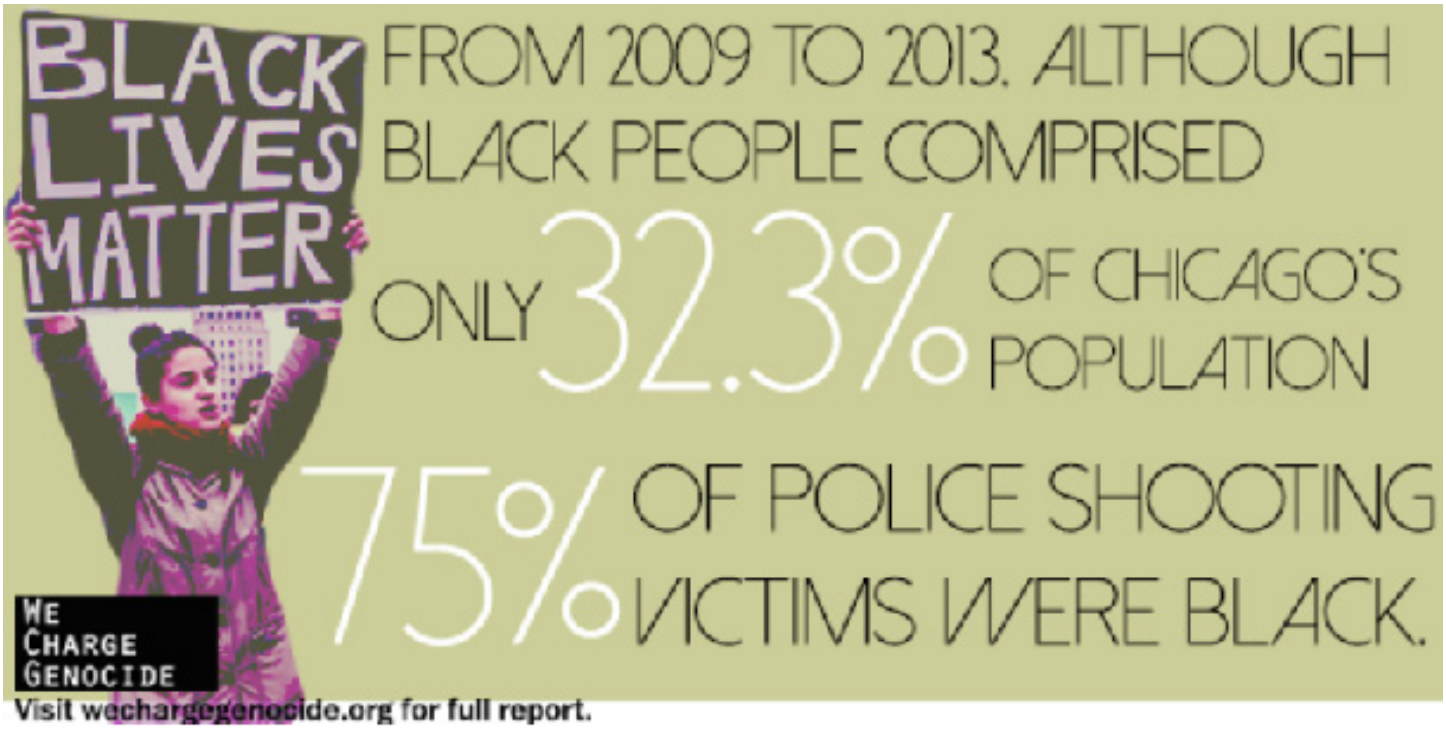

Infographic courtesy of We Charge Genocide
Source: www.wechargegenocide.org

Police Brutality, Race, and Accountability

David Nassirian

On Mar. 4, the United States Department of Justice released its findings from two civil rights investigations in Ferguson, Missouri, and sadly, they are not shocking. The department found a host of regular constitutional violations, such as: stopping civilians without reasonable suspicion, restricting free speech, and using unreasonable force on civilians. Yet what is more disturbing is that these unconstitutional patterns are not just evident in the streets — they are also found within the governmental level. For exmaple, in addition to unconstitutional police practices, the U.S. Department of Justice found that the Ferguson Municipal Court prioritizes revenue instead of justice, stripping citizens of their right to due process and equal protection.

In the aftermath of Ferguson and the Eric Garner Grand Jury decision, in which a New York City cop was not indicted for using an illegal chokehold that killed an African American man on the street, anti-police sentiment has become prevalent. While frustration towards police is understandable, it is important to acknowledge that the problem of police brutality and the violation of civil liberties, especially towards marginalized people, is not just the symptom of a few defective officers. It is a result of institutionalized racism, and not just in Ferguson or New York, but throughout America. Unconstitutional police and court practices in impoverished areas that create arrests for minor offenses can be financially devastating and even result in jail time, which only perpetuates the vicious cycle. For many Americans, it might be difficult to accept this. However, the numbers clearly show that it is not only a police problem, it's a systemic problem.

Take for example New York City's stop-and-frisk policy. Stop-and-frisk is the practice of stopping a random individual in the street and searching the person for any contraband or illegal items. In theory, law enforcement officers blindly and randomly distribute these stops amongst the populace. However, in practice, stop-and-frisk has become a method of targeting at-risk neighborhoods, composed largely of minorities, and harassing and arresting their res-

idents for minor crimes. It only serves to facilitate racial profiling, not diminish it.

Until recently, stop-and-frisk was a reality for many minorities in New York City and became an everyday reminder of institutional bias. As of 2010, 52% of all stops were conducted on blacks even though they only accounted for 23% of the population, and the tactic was employed almost entirely in low-income, minority neighborhoods. However, in the first half of 2012, there were 337,410 reported stops, and in the second half of 2013, there were only 33,699 recorded stops. Although there is clearly still a lot of work to be done, New York City is making an effort towards removing this bias from police practices.

Yet the issue remains clear: as long as it is legal for law enforcement to use oppressive tactics, the law will not be enforced equally amongst races. As long as the government allows inherently problematic and biased practices such as stop-and-frisk to flourish, distrust between communities and their police forces will exist, and possibly lead to violence.

It is the job of every law enforcement officer "to protect and serve", to ensure that everyone is granted equal protection, regardless of their race. Despite this, in light of the events of the past year, it is easy to see that there are officers who abuse their power, usually in the name of protecting themselves, and cause harm to civilians as a result. For this reason, it is also easy to make police officers the subject of our frustration, even though for the large part they seek to protect us. In towns such as Ferguson, minorities are constantly being harassed and violated. It has become extremely difficult for any trust to exist between the two parties.

Amy Hunter, the Director of Racial Justice at the YWCA Metro in St. Louis, addressed a church forum in Ferguson after the tragic events in 2014. She told the large crowd, "There is no other people on Earth that I love more than my children. And I would really like to stop being afraid every time they leave my house." In order to put the process of change and progress into place, it is necessary to start from the top-down, beginning with the governmental institution itself, its policies, its practices, and finally, with its officers.

The relationship between the police and the mayor in New York has been closely watched recently.
Source: Richard Perry, The New York Times

The Fault in our Cell Phones

Simone Fillion-Raff

Foxconn factory workers in Guangdong Province, China. Source: Bobby Yip, Reuters

Cell phones have become an integral part of daily life. In fact, the United Nations' telecommunications agency predicted that by the end of 2014, there would be 7 billion cell phone subscriptions. The most striking example of this appeared in a Time article in 2013, which states, "out of the world's 7 billion people, 6 billion have access to mobile phones. Far fewer – only 4.5 billion people – have access to working toilets."

Apple, of course, dominates this market. The most recent statistics show that 74.47 million iPhones have been sold within the first financial quarter of 2015. While the iPhone and other Apple products are clearly favoured throughout the Western world, the company has often been criticized for its factory conditions.

In 2010, there were 14 suicides within factories run by Foxconn Technology Group. The group is the world's largest supplier of technology parts, manufacturing and putting together the iPhone and the iPad, among other Apple products. The suicides were attributed to poor working conditions, as supported by a New York Times investigator who lived in cramped company dorms, worked ten-hour days, and was permitted one day off a week. The scrutiny regarding the suicides and obviously poor working conditions of the factories prompted Apple to promise improvement. Shortly afterwards, Apple moved some of its production to another manufacturing company, Pegatron, in the outskirts of Shanghai.

The BBC conducted an undercover investigation into the treatment of workers in Chinese factories that manufactures Apple parts in 2014, which included undercover reporters posing as workers in a few Pegatron factories. The investigation also filmed conditions, including "exhausted workers…falling asleep on their 12-hour shifts." The reporters spoke about being forced to do overtime as well as the poor living conditions in the workers' dorms. One reporter said, "Every time I got back to the dormitories, I wouldn't want to move. Even if I was hungry I wouldn't want to get up to eat. I just wanted to lie down and rest. I was unable to sleep at night because of the stress."

The investigation also examined the mineral sources in the parts for Apple products. In 2010, the United States passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which included a provision that companies must investigate and share whether their products contained "conflict minerals" or minerals that were mined in conflict areas where war crimes or human rights abuses occur, such as the Democratic Republic of the Congo. Apple took this provision a step further by publishing an annual report that stated which of its suppliers may use conflict minerals. Such minerals include gold, tin, tantalum, and tungsten, all of which are found in the majority of electronics.

In 2014, Apple released a report that stated that all its tantalum suppliers were conflict-free. These actions should be applauded. However, there are many questions about whether one can truly tell if the tantalum used is conflict-free due to the prevalence of smuggling and the possibility of corruption in the auditing of smelting plants, a place in which the metal is heated to allow the purest form of the metal to be extracted. Auditors also found only 23 cases of underage workers in factories in 2014, and 95% of Apple's parts suppliers agreed to a 60-hour workweek. There are also questions about how Apple can continue to prevent cases of underage workers and guarantee better work conditions. Limitations aside, these are steps in the right direction.

While the scrutiny of Apple's labor and factory conditions seems excessive, Apple was named the best company in the world two years in a row, 2013 and 2014, on the Interbrand Best Global Brands list. The symbol of Apple is synonymous with modernization and innovation. If Apple would like to continue to embody that, it must also improve its work conditions. The solution is not necessarily to stop buying Apple products – there is most likely no product in the market that does not contain conflict minerals or was made in a comfortable work environment. Being a conscious consumer means knowing what you are consuming and what you want to improve about the products. The solution is to protest and call for change.

More than a Label: Fair Trade Coffee

Jacob Frackson

When talking about cafés in Montréal, it's all about Pikolo or Code Black. Dispatch if I'm on campus and Tim Hortons if I'm desperate. Part of it is simple hipster-esque appeal, but what I usually tell myself is that I go there to support the way that they produce their coffee.

Both cafés use Phil & Sebastian beans, a roaster from Calgary, Alberta. Phil & Sebastian claim "to produce a coffee beyond compare," which may be a touch too hyperbolic, but, more importantly to me, they claim to "work directly with [their coffee producers] at ground level on projects to introduce modern technology and sustainable methods to improve their farms." Although that's not the full story, and there's much more to "modern technology" and "sustainable methods," I generally know what they're driving at: that to them both the consumption and production end of the coffee industry matter.

One interesting thing though about Phil & Sebastian is that they never use the term "fair trade" on their website. Granted, this may be for trademark reasons, but even when narrowing to just the term "fair," it's rarely used, and never in relation to labour wages. Maybe that's because, in context, the term isn't that useful.

After reading some recent articles on the subject, such as the Globe and Mail's "Fairtrade coffee fails to help the poor, British report finds," I came to a conclusion: I have no idea what the certified Fairtrade™ label means. This single-word term "Fairtrade™," which falls under the trademark of the Fairtrade Labeling Organizations International, is a label — not an ideal. The concept of a commodity being traded fairly or of an industry being operated ethically or equitably are ideals, but the single-word term as a certification is not. Based on various criteria and processes, coffee producers either are "Fairtrade™" or not, with no inbetween.

That's the issue. Fairtrade™ is a true-false variable, whereas ethicality and sustainability fall on a continuum. And frankly, I only care about the latter.

Fairtrade™ as a certification has been criticized for having inaccurate and uncontextualized economic standards as well as a poor track record for auditing its certified producers. The structural restrictions, which only allow for black or white results — Fairtrade™ certified or not — has been the largest stumbling block. While the label does have its uses, it is overly simplified and not reflective of the complex realities it claims to represent.

Oromo Fairtrade coffee beans on sale in Britain. Photograph: Stuart Walker

While certified Fairtrade™ coffee operations have been noted to have worse working conditions than their multinational competition, such as Folgers or Nescafé, the ideal of fair trade focuses on producing the opposite. Fair trade, which at its foundation aims to bolster economic living standards through increased income, is a strategy to improve standards of living and human rights. The theory is that by incorporating the production end of an industry as an equal, rather than as an inferior, the profits will be distributed more equitably. In turn, these profits will lead to local investment, as opposed to just subsistence consumption, and eventually facilitate increases in education, health, and overall quality of life. Human rights that were formerly not upheld due to economic and social restrictions would, in theory, then be increasingly recognized.

In the face of this growing fair trade movement, it is becoming difficult to distinguish between what is actually fair trade and what is simply "Fairtrade™." The adherents of this emerging philosophy advocate for human rights and sustainability beyond their localities, but by reducing the movement to a label, they're distancing themselves from that aim. By turning fair trade into a certification, the movement has become more widespread but simultaneously more superficial. As a result more people are beginning to care about Fairtrade™ certifications, while few actually know and care about "fair trade" practices and aims.

Phil & Sebastian may give more details than a simple Fairtrade™ certification, but only marginally so. I can drink my coffee knowing that it does relative good, but in order to really represent the movement of fair trade and of a sustainable and ethical coffee industry, I think I ought to be a little more critical of that so-called "good."

The True Cost of Soy

Ariel Montana

To the typical Montrealer, 'soy' has many meanings: it's the heart of the city's vegan kick, an extra 60 cents in your latte, and possibly your go-to restaurant on Boulevard Saint-Laurent.

In Argentina, however, the bean's connotations aren't quite so savoury. As the world's third-largest soybean producer, numerous Argentine citizens are affected by the poorly regulated spraying of agrochemicals on soy crops. Local doctors link the recent rise of cancer rates and birth defects in towns nearby cultivation areas to the use of pesticides on genetically modified (GM) soy fields. At the centre of the demands of those affected, is an appeal for improved standardization and implementation of government regulations of agrochemicals.

In the 1970s, Argentina was renowned as a global meat producer. Presently, soya is the nation's leading export, a shift caused by the introduction of Monsanto's Roundup Ready soybeans in South America. Monsanto, a multinational biotechnology corporation based in the United States, has been notoriously subject to global scrutiny for creating GM foods, as well as producing farmers' dependency with its patented seeds. The company's soybean seeds are designed to withstand glyphosate, a main ingredient in their pesticides, and the most commonly used herbicide in Argentina. Regulatory agencies in the United States and the European Union have approved glyphosate as safe if applied properly, and Monsanto has produced studies to this credit, affirming the safety of civilian populations living in close proximity to its exposure. Although a causal link between glyphosate and aggravated health problems has yet to be formally established, local research supports at minimum a correlation. Monsanto has denied these claims by referencing the history of Roundup's safety in over 100 countries as long as the label directions are followed.

The issue thus turns to the misuse of agrochemicals, namely by local farmers. Through a ground agent, the Associated Press uncovered problems with the application and storage of pesticides. There was an observed a general disregard for provincial laws and Monsanto's guidelines for the spraying of agrochemicals in close proximity to neighbourhoods, so that residue often collects in local water resources, homes, and schools. In the northern province of Chaco, airplanes fumigate the soya fields, causing the winds to carry the chemicals to civilians. In addition, local water is stored by villagers in containers previously used for pesticides.

Former farmworker Fabian Tomasi, 47, in his home in Entre Rios province. Tomasi currently suffers from polyneuropathy and was never trained to handle pesticides. Source: Over Grow the System

Poor farming practices have largely resulted from an interest in maximizing the profitability of soybean production — selling for about $500 a ton — and a misunderstanding of instructions for safe use. In recent years, the weeds in soy fields have become increasingly resistant to agrochemicals, leading farmers to combine different

Students of rural school near Concepcion del Uruguay in Entre Rios province playing soccer during recess. The school's teachers have repeatedly complained about the illegal spraying of pesticides – not respecting the 50 meter setbacks outside 18 schools – to local authorities. Source: Over Grow the System

pesticides and to increase the volume of product used. Soya farmers have denied the connection between adverse health effects and agrochemical use, citing scientific evidence to the contrary, and continue their unadvised practices.

Government regulation of the use of agrochemicals is lacking in two areas: national standards and local enforcement. Federal environmental law restricts the use of toxic chemicals that threaten public health, yet the Argentine auditor general noted that farming has never fallen within the scope of this legislation. This discrepancy is in part due to the present absence of a concrete scientific link between adverse health effects and the use of pesticides. In 2009, a commission ordered by President Cristina Fernandez to investigate this issue called for limited controls of herbicides in an initial report, including those glyphosate-based. This commission, however, has not pursued the matter further and has not met since 2010.

The absence of national government standards has led to great policy variation amongst Argentine provincial legislation for farming chemicals. One third of Argentina's provinces do not have legislation restricting the spraying of agrochemicals. Furthermore, legislation frequently does not outline enforcement procedures, leaving this task to municipal officials. In general, municipalities have waved off this responsibility causing agrochemical legislature to be ignored. As a result, the dangerous poor application methods have continued across the country.

This has led local villagers to be the primary opposition to the expanding soya industry. Land-grabbers are part of the threat to villages, seizing and displacing local populations and growing soya plantations in their place. Tactics of land-grabbers include poisoning village water sources, physical violence, and burning farms. In the absence of government aid, advocacy groups such as Movimiento Campesino de Santiago del Estero (Mocase) have supported communities by organizing land recovery and educating peasants of their land rights under threat. Such grassroots movements can draw from the example set by the small municipality of Malvinas, Cordoba that barred the entry of Monsanto's maize crops successfully last year.

The country is ultimately troubled by a split between corporate interests and those of the local villagers, mirroring a greater urban-rural divide. Reporters investigating the issue noted that many Argentine people they interviewed from larger cities were completely unaware of the issue. The present interests of Buenos Aires, the capital, have more to do with the political scandal surrounding the recent death of prosecutor Alberto Nisman than the fates of thousands in the countryside.

From Sweatshops to Store Shelves: Human Rights Violations in the Fashion Industry

Stephanie Fehertoi

Nearly two years ago, on the morning of Apr. 24, 2013, workers in a suburb of Dhaka, Bangladesh gathered in front of Rana Plaza, an eight-storey complex housing five garment factories, refusing to enter. They reluctantly took their positions when threatened with salary deductions, despite knowing it was unsafe. 45 minutes into the 8am shift, the building collapsed. More than 1,100 workers were killed and 2,515 injured. Bodies went unidentified for weeks, while others were never found. The clothing company owners were promptly arrested—they had renovated illegally and repeatedly ignored warnings about building safety, a common occurrence among such factories.

A few months later, a reporter for the Toronto Star went undercover in a small Dhaka sweatshop, befriending her nine-year-old co-worker in the process. There, she sat on the floor, hunched over piles of shirts for hours on end, and listened as her new acquaintance pondered aspirations of one day becoming a sewing operator in a big factory.

In late 2014, the short Norwegian reality program, "Sweatshop", documented three fashion bloggers as they traveled to Cambodia to work in a garment factory. Faced with long hours, little food, poor living quarters, and stressful working conditions, each young person eventually broke down as the truth of how the other half lives hit home. Working in an assembly line, the sheer monotony of sewing the same seam on different garments repeatedly for eight hours a day—12 hours, for the many who work overtime—was almost too much for one blogger to handle.

In most sweatshops, fainting from exhaustion or the heat is not abnormal; along with strained eyes and backaches, it

A man and woman embraced as the Rana Plaza building collapsed in Dhaka, killing them and over one thousand others on April 24, 2013. Taslima Akhter wrote in the Times of her photo, "It's as if they are saying to me, we are not a number—not only cheap labor and cheap lives. We are human beings like you. Our life is precious like yours, and our dreams are precious, too." Source: Taslima Akhter

Meem, 9, helped train workers at a garment factory in Dhaka.
Source: Raveena Aulakh, Toronto Star

only increases the safety risks, not to mention the drudgery. Such inconveniences also delay production, much to the exasperation of managers, who like to keep a rapid pace. Some workers in Rana Plaza, for instance, were expected to finish over 100 pieces within an hour. Child labour is often employed, as children forego school in order to help financially support their families. With nimble fingers, sharper eyesight, naivety and an unlikelihood to complain, managers need not be persuaded to sign them on.

Fast fashion is defined by "the accelerated cycle of design, production, and supply that allows trends to be spotted, copied, and sold within weeks," as written by Jason Burke in The Guardian. Cambodia shipped more than $4 billion worth of products to the U.S. and Europe in 2012. In that same year, Bangladesh, the third largest exporter of garments in the world, generated as much as $20 billion. In fact, Bangladesh's garment industry employs over 3 million workers, most of whom are female, and accounts for about 80% of the country's total exports. While the boom of the cheap fashion industry has granted more women economic freedom and helped improve family lives, the workers of Rana Plaza were paid as little as $38 a month. Following the tragedy, the Bangladeshi government announced a plan to raise the minimum wage for garment workers, as well as finally allowing them to form trade unions without the permission of factory owners, a long sought-after concession.

A total of 28 international companies were linked to the Rana Plaza factories in the past—including Primark, the Children's Place, Joe Fresh, Walmart, Mango, and Zara—yet only some agreed to pay compensation to workers and families. Following the collapse, other brands, such as H&M, signed the Accord for Fire and Building Safety in Bangladesh in order to reduce future risks (only one of the 166 retailers who have signed the Accord is Canadian). The Walt Disney Company went so far as to halt production in Bangladesh altogether, as well as in Venezuela, Belarus, and Pakistan, due to safety concerns.

Many have noted how pulling business out of these countries is not a sustainable solution. While a race to the bottom must be stopped, the answer should be found in regulation.

Professor Muhammad Yunus, founder of the Nobel Peace Prize-winning microfinance organization, the Grameen Bank, has advocated for a minimum wage as well as a 50-cent surcharge on all garments made in Bangladesh. The latter would establish the Garment Workers Welfare Trust that could cover safety, pension, healthcare, education, and housing costs for workers. He proposed that the surcharge would reap around $1.8 billion for the trust each year, resulting in $500 for each worker. All that is required, hypothetically, is for foreign consumers to pay $35.50 for a shirt—originally produced at a mere total of $5—instead of $35 in stores (clothing companies pocket the remaining $30 for profit).

Although Professor Yunus' proposal has yet to take off, apparel companies are noticing a shift in corporate and consumer concern. In late 2013, H&M announced a plan to offer a fair "living wage" to textile workers by supporting individual factories, including some in Bangladesh and Cambodia, because governments are moving too slowly. It hopes to expand its model to 750 factories by 2018.

"You can't solve everything or fix such a global problem," said one of the Norwegian bloggers in the reality show. "But they really don't ask for much—to get a bit more money, some fans in the ceiling in a factory. We just have to push to get it done."

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JHR's Core Principles

JHR is an organization that:
seeks to eliminate the need for the work it does
creates change without creating dependency
runs needs-based programs with sustainable, long-term impact
works with local media on pressing local human rights issues
believes in the inherent equality of all human beings
respects all human rights equally
believes in the power of open and free discussion to create positive change
upholds the most stringent of human rights standards in its own operations
builds long-term and respectful relationships with its partners, volunteers, staff, funders and stakeholders
actively works with local partners in countries of operation
recognizes the power of all forms of media
ensures all projects and programs are ethically responsible
is non-partisan
respects local knowledge systems

JHR is an organization that does not:
deviate from its core mission or principles
create a need for itself
run short-term programs without substantive follow-up
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prioritize one human right above another
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