



Protecting Freedoms of Speech and Assembly, and Finding Solutions for Youth in Crisis Final Report

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Introduction

On Wednesday, July 26, 2017, the UNA-USA Southern New York State Division (UNA-SNY) convened over 30 community advocates, experts, and engaged citizens at the UN Foundation office in New York City to tackle key human rights issues and arrive at recommendations for action. The consultation –“Protecting Freedoms of Speech and Assembly, and Finding Solutions for Youth in Crisis” – was organized in response to pressing concerns recently raised by the UN CERD (Convention on the Elimination of Racial Discrimination) Committee and former UN Special Rapporteur on the rights to freedom of peaceful assembly and association. The Special Rapporteur had focused on Articles 19, 20 and 21 of the International Convention on Civil and Political Rights (ICCPR), Articles 19 and 20 of the Universal Declaration of Human Rights and the First Amendment to the U.S. Constitution. (See details in Annex 2.)

This consultation was a very timely discussion. It preceded by only a few days the events in Charlottesville, Virginia concerning white supremacist groups and the ensuing national debate about freedoms of speech and assembly.

¹ Contributed by Bryana Valverde-DeBartolo, UNA-USA member; with assistance by Lidia Koljančič, intern. Updated material on events in Charlottesville added by the editor.

For an historical perspective, on December 10, 1948, the Universal Declaration of Human Rights was proclaimed and adopted by the UN General Assembly; on October 7, 1948, South Carolina Governor Strom Thurmond had addressed a crowd of 1,000 at the University of Virginia in Charlottesville, denouncing the Government's moves toward racial justice, on the grounds that such measures "would undermine the American way of life and outrage the Bill of Rights."²

The consultation included expert briefings and presentations, as well as the collaborative development of recommendations for social and policy reforms. It was the fourth annual consultation in the series "Race, Criminal Justice and Human Rights" and was co-sponsored by Alpha Kappa Alpha Sorority, Inc. chapters Tau Omega and Zeta Nu Omega. Participants received documentation in preparation for the meeting and held small group discussions and reported their findings to the group at large.

The event was moderated by Jeanne Betsock Stillman (UNA-SNY Vice President for Chapter Development) who introduced the notable speakers from government, civil society, and academia. The participants, who were experts in their own fields, also introduced themselves to the group. Ms. Stillman explained that this consultation is the first in a series of events on human rights that UNA-USA plans to sponsor in the coming year. To view the excellent speakers presentations and introductions of all the participants see: <https://www.facebook.com/pg/UNASouthernNY/videos/> . Photos of the entire session are available at: https://www.facebook.com/pg/UNASouthernNY/photos/?tab=album&album_id=1400419143345859

Speakers

Ryan Kaminski (UNA-USA Senior Program Manager of Human Rights and Special Initiatives) quoted Eleanor Roosevelt, a UNA-USA founder, who famously said, "Human rights begin at home."

*"Human rights take place everywhere,
including in the local community."
Ryan Kaminski*

He urged the group to focus on the power of social relations and social and civic rights. He also reviewed the U.S. ratification of the CERD and the referenced State Department consultation with civil society under the CERD.

Helen Diane Foster, Esq. (Commissioner of the New York State Division of Human Rights) described the composition of New York State Human Rights Law, which is the

² Jon Meacham, "American Hate, A History," Time Magazine August 25, 2017 issue on Hate in America p. 36.

Helen Diane Foster:
“The most important part of the Division’s work is getting information out to the people who need it.”

oldest in the country, and the role her division plays in helping people with regard to rights in employment, housing and public accommodations within all available laws. She focused on disability, which is a big part of the Division’s focus and cases both in housing and employment. She also urged that anyone who feels discriminated against should contact her Division. She noted that while many resources are potentially available to vulnerable populations, vulnerable populations need knowledge of and ready access to such resources.

Ruth Hassell-Thompson, DHL (Special Advisor to Governor Cuomo for Policy and Community Affairs of New York State Homes and Community Renewal) reported that much of her work focuses on youth aging out of foster care and looking at all issues that affect them, like homelessness, runaways, “youth in crisis” and safety. She said we are

Ruth Hassell-Thompson: “One of the exciting projects with Dr. Miles is, ‘How do we provide dorm space for the population that is homeless but are trying to get their education?’”

looking at a safety net for youth and she was excited to be working in a time in government where these issues were receiving priority. She said the Office of Children & Family Services, the Office of Mental Health, and the traditional social service agency are involved, looking at youth together. She is working with a group that includes Dr. Belinda Miles, other community college heads and agency representatives, on how to provide dorm space for homeless people who are trying to get a college education. She said they have an exciting project about ready to launch.

Dr. Belinda Miles (President of Westchester Community College) informed the group about the strong expansion of Westchester Community College that is resulting from strategies put into place since her arrival in 2015. She spoke about the dramatic growth of Community Colleges following the Truman Commission in 1947, representing an increasing spiral of access to education in America. She said that community colleges are America’s open access institutions and accept students from a broad range of backgrounds and various stages of college readiness. She noted WCC is a peer with 30 other community colleges in New York State, and seven CUNY community colleges, so it is part of a broad network. All are grappling with the Excelsior College scholarships implementation which begins this fall provides tuition-free degree programs for New Yorkers with family incomes up to \$125,000 per year. She also

Dr. Belinda Miles, “Community colleges are America’s open access institutions and accept students from a broad range of backgrounds and various stages of college readiness.”

focused on access to college specifically by youth aging out of foster care, which was then discussed in detail in a small group.

Gloria R. Browne-Marshall, Esq. (Associate Professor of Constitutional Law at CUNY John Jay College of Criminal Justice) shared an historical perspective on the long traditions and origins of “freedom of speech” and “freedom of assembly” in the United States. She outlined some examples related to this, starting with the Jamestown Colony of 1607 and

“We have to protest for the right to protest,”
Gloria R. Browne-Marshall, Esq.

the Bacon’s Rebellion of 1676. She noted that laws were used to undermine the progress of people. By 1680 Virginia law prevented the assembly of people of color or other slaves unless a white person was present. “We have to protest for the right to protest”, she added, in relation to the meeting’s topic on freedom of assembly and freedom of speech. She urged people to keep in mind that the New York City Police Department has placed public protest and anti-terrorism in the same police unit.

Small Group Discussions

Guided by UN human rights conventions and the 17 Sustainable Development Goals (SDGs) (see Annex 4) participants reviewed disturbing national trends and reports of injustice, and responded with recommendations to address current failures. Facilitators and rapporteurs led working groups to gather feedback and proposals from those assembled. Each group identified key areas for reform, and members also discussed dynamics of possible implementation and how these ideas would benefit local, national, and global communities.

Group One: Freedom of Speech and Assembly

The working group on the future of “Freedom of Speech and Assembly,” was held against the backdrop of recent attempts to restrict these First Amendment rights. Dr. David Stillman (Facilitator) and Peter DeBartolo (Rapporteur) moderated and guided the policy discussion of this lively group. It was noted that legislation has been proposed in a number of U.S. states aiming to undermine both basic American Constitutional rights and universal human rights guaranteed by international law. This was of great concern, as many jurisdictions now seem to increasingly impose new tactics to limit people’s freedoms. These may include using “protest pens” or “protest zones” to impede demonstrators, increasing the complexity and fees for obtaining permits for public assembly, making and increasing penalties for “illegal assembly,” and removing liability from vehicle drivers who hit protesters.

The U.S. national trend toward militarized policing was also discussed, as well as the uneven and inconsistent application of regulations related to protests. The group stressed that more transparency, clarity and education are needed, so that the public can understand what guidelines are being used by police and, if no lawful justification exists for certain actions, they can challenge them in court. Members suggested that the police should also have better training on protesters' Constitutional rights, and also recommended that changes be made in how police are recruited.

The concept of digital and virtual spaces for assembly was also discussed, and participants agreed that much more work is also needed to further explore and understand how Constitutional rights can continue to be protected today in the age of the Internet, at a time when law enforcement now monitors social media, has jammed *wifi* signals of protesters trying to communicate, and some government agencies have attempted to block and ban members of the public from commenting on their social media pages.

Group Two: Aging Out of Foster Care

JoAnne Challenger of AKA Tau Omega (Facilitator) and James Wolff (Rapporteur) oversaw "Aging out of Foster Care." The group addressed the emerging nationwide crisis that many youth and young adults now face with regard to food and shelter insecurity, especially immigrant youth and those from already-disadvantaged communities. Almost 40% of youth coming out of the foster care system have experienced some degree of homelessness, according to the Casey National Alumni Study and Midwest Evaluation of the Functioning of Former Foster Youth, which is unacceptable. Responding to this dire situation, members emphasized that this widespread (and often overlooked) problem needs much more attention. They also suggested that model programs should be examined to see what best practices may already exist and can be adopted by others. Additional concerns included these youths' lack of preparation and training for employment, lower graduation rates, lower wages, and other increased risks. One key discussion topic was the issue of young adults having access to college, which had several components: (1) How to identify the population prior to youngsters aging out; (2) Informing the adults and agencies serving the students and advising them of college admissions and (3) Housing for college or potential college students.

Group Three: Needs of Vulnerable Populations

Expanding the conversation to consider other potentially at-risk demographics, Dr. George Garland (Facilitator) and Kathleen Moran (Rapporteur) led the working group examining the "Needs of Vulnerable Populations" in a more general sense. The group explored a wide range of issues threatening diverse groups, from the elderly and those with disabilities, to those reentering society after incarceration. Recommendations were developed to encourage government to expand collaboration with civil society, so that

more local, community and faith-based organizations are also involved in the work of helping these groups access safe, public housing, healthcare, and other human services.

Steps We Can Take

Reflecting on this consultation, it becomes very clear that one central, overarching message is that we must all stand together not just as global citizens at the United Nations, but also as community members at home to advance human rights in our daily lives.

As Eleanor Roosevelt famously reminds us,

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in...Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

<http://unfoundationblog.org/10-inspiring-eleanor-roosevelt-quotes/>

Specific concerns, recommendations and target audiences appear in Annex 1. Taking on this challenge, we must use our own voices and actions to continue to make human rights real in our communities and neighborhoods. As members of UNA-USA, we must also use advocacy and education as tools to reframe the narrative, transform preconceived notions, and combat injustice and discrimination wherever they may be.

For information on the Division’s prior work on race, justice and human rights, go to www.unasny.org and selected “resources.”

Join us in supporting human rights by using the hashtag #StandUp4HumanRights to continue to amplify awareness and magnify your impact. Go to www.unausa.org/join to become a UNA-USA member and select the chapter or division near you.

ANNEX 1 – Small Group Discussions

Group One - Freedom of Speech and Assembly across the United States

Facilitator - David Stillman, PhD; Rapporteur / Presenter - Peter DeBartolo

Group Members: Marcia Brewster, Gloria Browne-Marshall, Esq., Michael Cooper, Esq., Amb. Alice Dear, Cindy Dunne, Esq., The Rev. Carol Huston, Stephen Miller, Bryana Valverde-DeBartolo

Concern #1: Lack of understanding/training about Hate Speech versus responsible Free Speech

Target audience: Public and Civil Society

Recommendations:

- There needs to be much more education, training, and debate about constitutional rights, as well as how free speech is today being increasingly (mis)used to disparage, abuse, and marginalize certain populations, and incite violence against them, in the form of hate speech (ie. anti-immigration, anti-LGBTQAI, and Islamophobic rhetoric, labeling protesters as rioters and even 'domestic terrorists').
- Guidelines could be developed by civil society organizations to assist in defining and explaining hate speech and its negative role in society, promoting discrimination.
- There should be greater discussion and engagement within civil society and the public to develop campaigns to denounce hate speech by exercising more responsible free speech, affirming the dignity and value of all people
- Those who incite violence and promote discrimination, as well as those who frame legal, peaceful protesters as rioters and domestic terrorists, should be called out and held responsible.
- Civil society and educational institutions should promote more free speech to contest labels and hate speech; and promote positive dialogue and engagement
- More training is needed to help students know that they have rights and learn how to constructively contest hate speech, stand up, and petition government

Concern #2: Implementation of Limits on Peaceful Assembly, including:

- Putting speech and assembly “in a box” through use of holding pens, protest zones, cages, permits; use of military equipment; rubber bullets/tear gas
- Increased use of militarized policing tactics to restrict free assembly
- Labeling of certain protest groups as “domestic terrorists” (ie. Dakota Access Pipeline protesters, Black Lives Matter, etc.) to restrict access to sites and impede assembly through surveillance, arrests, and/or police detention
- Lack of applying equally protest policing policies and laws

Target Audience: New York Police Department (NYPD), Federal Bureau of Investigation (FBI), and other law enforcement agencies that draw upon NYPD as a model

Recommendations:

- Police need to be better educated about people's constitutional rights related to protesting. They would also benefit from additional training in nonviolent conflict resolution and communication, to reduce frequency of militarized and aggressive policing tactics
- Changes to law enforcement/police recruitment strategies should be made, including: that recruitment of police force better reflect actual diversity of local communities being policed, and that protesting not be used as disqualifying factor against someone in police hiring practices.
- The above could take the initiative of not asking about arrests/convictions related to protesting during the initial application phase of recruitment, so that people are evaluated based on other merits. This may potentially widen applicant pool of police recruits to include also people who may have been protesters and activists in their pasts. Over time, this may also help law enforcement agencies better understand those who protest.)
- The more equal and consistent application of laws already on the books must be enforced. In this regard, law enforcement agencies should develop, publish, and publicize clearer guidelines so the public knows what laws are exactly being used to police those who protest.
- Oversight bodies should be established to investigate that laws are being applied/enforced fairly and consistently across various types of political protests.

Target Audience: Public and Civil Society

- People should be better trained and further encouraged to know their rights, and mechanisms should be developed so that individuals and organizations can more easily work through the courts to challenge, examine, and/or reevaluate how constitutional freedoms are being restricted.
- The issue of one's proximity to his/her target of protest should be further examined by courts, as ability to be close to those being protested against likely has an impact on the impact/effectiveness of one's right to petition government (This issue was raised in context of police using protest zones outside of city limits, where people were only allowed to demonstrate in certain cases in locations where no target of their protest could actually even see or hear them). Civil society and public should further challenge on a constitutional level the increased domestic use of military equipment and tactics in the urban, protest context.

Concern #3: Increasing Threats to Cyber Assembly in Digital Spaces, including:

- Manipulation/hacking of social media speech
- This might result from individuals, corporations, government (domestic or foreign), or other groups interfering in virtual and digital realms to promote certain messages and/or suppress others, and/or also restricting/influencing certain types of communications online
- Restrictions to digital, virtual, and online spaces (ie. law enforcement or other government agencies jamming *wifi* signals and social media accounts of protesters, and/or blocking/banning users from government-run social media accounts or

- online, web fora, etc.)
- Other limitations to right to petition through social media

Target audience: Government agencies and law enforcement

Recommendations:

- If government agencies are involved in actively restricting access to internet and/or social media during protests and demonstrations, these practices and restrictions must be transparent, and the laws being used should be published and understood by the public.
- Government and law enforcement should be required to publicize why and how such restrictions, practices, and/or policies might be implemented, and must explain its legal justifications.
- Policymakers, officials, and law enforcement agencies should be better educated to understand the dynamics of cyber and digital spaces, as well as people's constitutional rights in these realms.

Target audience: Public and Civil Society

- People should become better educated about their rights of speech and assembly in cyber, virtual, digital, and online spaces and communities.
- Individuals and organizations should expand work with courts to contest and challenge corporate and/or government interference in digital communities and virtual spaces, to resist influences that may be undermining their constitutional guarantees to free speech and assembly.
- People should advocate that laws be passed restricting ability of government and law enforcement to interfere with and/or restrict protesters' rights online.
- People, especially young people, must be better trained and educated to learn their rights in the physical and cyber worlds, so that they can “make sure it's actually law and not authority that you are giving away” when it comes to restrictions and practices used by law enforcement to interfere with constitutional rights to speech and assembly.

GROUP TWO: Aging Out of Foster Care

Facilitator: JoAnne Challenger; Rapporteur: James Anthony Wolff, Esq.

Participants: JoAnn Challenger, Donna Drayton, Valerie Edwards, the Rev. Que English, Adina Johnson, Desiree Littlejohn, Dr. Belinda Miles, Shatara Pell, William Scarborough, Shakele Seaton, Margaret Shannon

Key Notes:

In General:

- Identify individuals prior to aging out
- Interagency task force on homelessness
- Identifying social services commissioners for transitional resources for aging out of foster care

- 180 days for support structures at shelters, safe zone concerns
- Using resources from organizations already involved in meeting the needs of the target demographic
- Local government Administration for Child Services (ACS) oversight together with privatization of services

College Opportunities:

- Relationships between colleges and public school systems, identification of individuals prior to college
- Encouraging students in foster care to enroll in college at age 18 immediately following HS graduation (prior to aging out at 21) . There is a possibility that the young adult can obtain an associate prior to the age of 21.
- College affordability for foster care individuals
- Dorm space as solutions for transition
- CUNY Accelerated Study in Associate Program (ASAP) model provides free metro cards, addressing commuting issues

Topics:

- Foster care already overburdened
- The disproportionality of minorities in foster care.
- Not enough advocates, issues with state gov budget drafting and lobbying
- If immigrants, then issues with undocumented individuals who do are not granted green cards, not eligible for services, potentially significant quantity, might necessitate further commissioning of studies to determine extent
- Parents not aware of their rights, non-custodial parents before foster care, written into law, although opposite in actual practice
- Information and education regarding non-custodial parent rights at the local family court level
- Training for counseling staff in the assistance programs
- Local sponsorship, community based coalitions
- More coordination between family law attorneys and pro bono counseling, potentially with organizations such as the New York City Bar Association
- Working with at-risk individuals before risk of phase out.
- Training for Foster Parents, perhaps greater focus on mental illness issues, prevention and higher education
- College affordability for foster care individuals
- Definitions regarding accessibility
- Costs result in drop outs after first year
- Spring and Summer breaks at colleges result in homelessness issues
- How to fund programs without bonds or tax credits
- Analyzing model pilot programs in Cleveland and Chicago. In Cleveland, historic landmarks converted to apartments, in proximity to colleges, 15 units, self-funded. Chicago model, renovation project with Latino organizations with support services on site
- Explore privatization of services concept to address rights education issue

- Media campaigns for rights education exposure
- Expanded networking programs between colleges and public schools, focusing on issue exposure

FINALIZED LIST OF CONCERNS:

Concern #1: Access to higher education for foster care individuals and the disproportionality of minorities in foster care.

Recommendations:

- Create a round table series to address the specific needs regarding individuals aging out of foster care
- Coordinate among support services
- Greater advocacy interests
- Analyze the Sustainable Development Goals, in context of concerns, finding points of synergy with existing United Nations Association mandates for engagement

Target Audience: Educators, attorneys, families, community based organizations and agencies

Concern #2: Affordable housing for foster care individuals pursuing higher education

Recommendations:

- Supportive transitional housing programs
- Partnerships between public and private entities, innovative pilot programs like those in Cleveland and Chicago
- Explore privatization and how it can function to fill in gaps with existing support services
- Seek synergies with food insecurity programs for overlapping needs

Target Audience: Government, attorneys, educational institutions

Concern #3: Identification at-risk individuals aging out of foster care

Recommendations

- Commission case studies, conduct demographic surveys, determine at-risk areas to focus resources
- Determine immigration status, address ICE issues, and provide customized relief packages on case by case basis
- Seek partnerships with faith based organizations and other collaborative models
- Evaluate and look at existing training procedures
- Review existing Requests for Proposals for relevance or as platforms
- Ongoing communication with school systems

Target Audience: Higher education, attorneys, non-governmental organizations, local school systems (guidance counselors)

GROUP THREE: The needs of vulnerable populations:

Facilitator: George A. Garland, DBA; Rapporteur/Presenter: Kathleen Moran

Participants: Helen Diane Foster, Esq., Ruth Hassell-Thompson, DHL, Lenora Kinchen, Jeanne Betsock Stillman, Bernard Thoms, Alyssa Zinn

Concern #1: In apartment buildings people with disabilities and seniors are at higher risk of becoming victims of crime.**Recommendations:**

- Building Management and (if available) security should have a list of these populations.
- Recommend each tenant have at least one contact person in the building.
- Building Management /Security needs to know who has access to the tenant's home.
- If security is available in the building and the person has a caregiver, caregiver information should be given to security/building management and/or a contact in the building.
- Recommend the tenant (or tenant representative) advises security of hospitalizations, extended periods of vacation etc. to be sure no one except for people designated have access to your apartment while the tenant is away.
- Direct a person to 311 if they are looking for specific services in NYC.

Questions to answer:

- Is there a designated, licensed community health care worker in the area to whom security / building management can connect the tenant?
- Does the tenant know his or her local government representative?
- Who is the designated emergency contact?
- Does the person have any contacts or connections with a house of worship, senior center, case worker at a hospital?
- If the person cannot speak for him or herself who is the legal representative?
- Are locks on the door sufficient? Hallways well lit? If not, does the tenant know whom to contact?
- If there is a community room in the building, invite the Department of the Aging to come and give a talk to seniors living in the building.

Concern #2: Insufficient housing and services for people coming out of prison.**Recommendations:**

- Provide transitional housing.
- On site services to include: job training, educational services, health care including mental health care.
- Before a person is released from prison he or she should be given information on how to tap into services that are available upon exiting the prison system.
- Connect people coming out of prison with organizations such as The Fortune Society: <https://fortunesociety.org/services-that-build-lives>
- Advise people of their rights and laws, as well as what obstacles they may face.

Notes: Many people arrested do not know their rights. The District Attorney's office has a public affairs department that can answer questions families may have about a person who has been arrested.

Concern #3: People who lose their jobs or are underemployed are at risk of becoming homeless.

Recommendations:

- Create vocational educational opportunities for those who need to train for another position as their job is no longer viable. Training can be set up via public libraries and some programs can be streamed from colleges directly into people's homes and libraries.
- Libraries, community centers, houses of worship need to list / categorize and post public services so that people seeking assistance to housing know where to go. In some cases they may want to set up opportunities for education etc.
- Create a simple postcard with agencies listed, each agency assigned a color, website and main telephone number listed. These postcards need to be available in all public places that serve people. One model is the postcard used for the Sustainable Development Goals (Global Goals). See Annex 4.
- Grandparent Housing - Children who have grandparents could possibly stay with grandparents while mother and/or father are attempting to secure housing and/or employment. A description is available here:
<https://aging.ny.gov/LivableNY/ResourceManual/Housing/III1m.pdf>
- Grandparent Housing has on-site health care and services to accommodate to the needs to children and grandparents.
<http://www.nyc.gov/html/dfta/html/caregiver/grandparents.shtml>
- The local government should provide incentives for landlords to keep families intact by offering a decrease in taxes if they give unemployed a six month grace period before they evict due to loss of job.
- Provide incentives for developers to house underemployed workers.

Concern #4: Limited job opportunities related to age discrimination.

Recommendations:

- Anyone who suspects he or she has been fired because of age needs to know that the New York State Division of Human Rights can help. An inspector will investigate firing.
- Colleges can assist with retraining and forming grant funded mentoring programs with older workers in the community and students.
- Older people can form cooperatives in which they can share what services are offered to the community, via houses of worship, local businesses etc.
- Look into starting up her or his own business. Funding may be available via the Queens Economic Development Corporation and/or other economic development companies in the area where the person lives.
- If this population is caring for grandchildren (Kinship Care - NY state.gov), this will

not impact their pensions and/or income negatively. This also gives them incentive to keep the family intact by providing services to children at no cost.

- Colleges can also suggest older adults who can mentor students in various businesses.

Concern #5: Youth in Crisis. Coming out of Foster Care with limited abilities to care for oneself.

Recommendations:

- Starting at age 13 children should begin the process of learning practical self-care lessons, such as managing money, staying on the budget, services available after foster care, how to avoid being taken advantage of by traffickers and/or other individuals.
- Vocational training starting at 16.
- Mandatory enlisting into a mentoring program. (YMCA, YWCA, Big Brother, Big Sister)
- Giving colleges and universities incentives to provide dormitory space for foster care children who are in their institution.
- Community internship programs (local businesses, schools, churches, community center, senior centers can participate).

Concern #6: Getting information out about services to vulnerable populations

Recommendations:

- Encourage everyone to know their local district representative.
<http://congressional-district.insidegov.com>
- District representatives should have information about what resources are available in the community. Constituent liaisons work through the representative's office.
- Develop postcards with City and state services that have the name of agency (color differentiated), telephone number and website. See sample above under Concern #3.
- Use this same concept to develop an app for smart phones etc.
- Libraries, houses of worship, community centers, senior centers, local grocery stores, government agencies need to have information on agencies, categorized appropriately, so people can resource the proper agency when looking for help.
- Stream programs from various city & state agencies into public spaces (library, etc.)
- Advertise city services on subway cars.
- Outreach vulnerable people before they leave hospitals etc.
- Create outreach in the community through houses of worship, schools etc.

Other Notes

- Information needs to be delivered via Push and Pull methods.
- Provide incentives for developers to build more housing for vulnerable populations. Currently developers are creating 20% of their housing for vulnerable populations. The push is to increase this to 30%.
- Utilization of inter-agency statistics.

- Financial concerns.
- Incentives for developers and landlords to keep people housed.
- Educational Outreach.
- Increase in vocational training.
- Only 4% as opposed to 44% recidivism if college degrees are obtained in a prison program
- Vulnerable populations include: migrant farm workers, domestic violence victims. These have special characteristics and needs.
- The Office of New Americans provides resources.
- Human Rights Law can be helpful
- There are time gaps in providing criminal justice and race reports to U.S. State Department.
- Housing that does not accept children is a problem.
- National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live.

ANNEX 2



Summary of Special Rapporteurs' Letter to the U.S. Government Written in preparation for the consultation on July 26, 2017¹

INTRODUCTION

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly, wrote to the U.S. Government in March 2017 about certain information which they had received.² In keeping with mandates provided by the UN Human Rights Council, they reviewed the cases, offered their comments, and asked for the government's observations.

Bills had recently been introduced in 16 States³ which the Special Rapporteurs felt could have a significant impact on recognized freedoms and civil rights. They said that, if enacted, the Bills would highly curtail the rights to freedom of opinion and peaceful assembly in ways incompatible with US obligations under international human rights law, in particular articles 19, 20 and 21 of the International Covenant on Civil and Political Rights (ICCPR)⁴, Articles 19

¹ Prepared by David Stillman, PhD, UNA-SNY Board Member and former UN Staff Member

² Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association http://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL_USA_3_2017.pdf

³ Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Washington

⁴ ICCPR – Art. 19: (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals. Art. 20: (1) Any propaganda for war shall be prohibited by law. (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Art. 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

and 20 of the Universal Declaration of Human Rights, (UDHR)⁵ and the First Amendment of the U.S. Constitution (USC).⁶

Our task for this seminar is to consider the points made by the Special Rapporteurs and to discuss what we think in terms of comments and observations in keeping with our roles as Americans who are advocates for a strong positive role by the USA in the UN and in international affairs, and as persons and organizations who seek action to “#Stand Up for Someone’s Rights.”

MAIN POINTS BY THE SPECIAL RAPPOORTEURS

The Special Rapporteurs made a thorough survey and focused especially on several issues:

Criminalization of protests

The Special Rapporteurs were concerned that the growing criminalization of peaceful protests, as proposed by all the Bills studied, could deter individuals from organizing or participating in peaceful protests and have the effect of curtailing the rights to freedom of peaceful assembly and freedom of expression. They stressed that the ability to assemble and act collectively is vital to democratic, economic, social and personal development, to the expression of ideas and to fostering engagement in citizenry. They further stated that these have an important role in public participation, holding governments accountable and expressing the will of the people as part of the democratic processes. They highlighted that assemblies are also an instrument through which other social, economic, political, civil and cultural rights can be expressed. They can be instrumental in amplifying the voices of people who are marginalized or who present an alternative narrative to established political and economic interests.

Protection of peaceful protests and protestors

The Special Rapporteurs stressed that States have a positive obligation to actively protect peaceful assemblies. Such obligation includes the protection of participants of peaceful assemblies from individuals or groups of individuals, including *agents provocateurs* and counter-demonstrators, who aim at disrupting or dispersing these. Thus the Special Rapporteurs were highly concerned about Bills in several States which would have the effect of exempting drivers from liability if they accidentally hit a pedestrian. They argued that allowing individuals to “hit” protestors blocking traffic during protests and further

⁵ UDHR - Art. 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Art. 20: (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

⁶ USC - Amend. 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Through later Supreme Court decisions, this applies as well by incorporation to the States.)

exempting them from any liability, would lead to a general impunity of individuals aiming at protestors, create a climate of fear and highly increase insecurity of protests.

Protests turning violent

The Special Rapporteurs were concerned about several Bills aim at criminalizing protestors for protests turning violent. These could have the effect of criminalizing protestors for protests turning violent as a consequence of the unlawful conduct of others. In their view, there is no such thing as a violent protest but there are violent protestors, which should be dealt with individually and appropriately by law enforcement.

Costs incurred during protests

They were also concerned at several Bills providing that an individual could be liable for the total public cost to put an end to an “unlawful assembly.” They were of the opinion that organizers should not incur any financial charges for the provision of public services during an assembly (such as policing, medical services and other health and safety measures).

Excessive force during assemblies

The Special Rapporteurs were highly concerned about one Bill which provided that a public official must, within 15 minutes of learning of a mass traffic obstruction, dispatch all available law enforcement with directions to “use any means necessary to clear the roads of the persons unlawfully obstructing vehicular traffic”. They said this broad language could result in excessive use of force during protests when these could be discretionally considered by officials as “unlawfully obstructing vehicular traffic”.

They argued that the use of force should be used on an exceptional basis, where unavoidable, and if applied it must be in accordance with international human rights law, following principles of legality, precaution, necessity, proportionality and accountability.

Authorization to hold peaceful assemblies

Various Bills refer to what they consider “unlawful assemblies.” These involved “unlawful mass picketing”, a protest or demonstration without a public assembly or other applicable special event permit, “persons unlawfully obstructing vehicular traffic”; and others.

The Special Rapporteurs were concerned that, by considering unauthorized assemblies to be “unlawful” and criminalizing them, States could have a discretionary power to authorize or not assemblies. Consequently, the Bills would have a deterring effect on spontaneous events, or protestors who want to hold peaceful assemblies not previously authorized by the State. They argued prohibition should be a last resort, when a less restrictive response would not achieve the legitimate aim(s) pursued by the law enforcement authorities.

They also put forth the argument that assemblies are as equally legitimate a use of public space as commercial activity or the movement of vehicles and pedestrian traffic. They said any use of public space requires some measure of coordination to protect different interests, but there are many legitimate ways in which individuals may use public spaces. A certain level of disruption to ordinary life caused by assemblies, including disruption of

traffic, annoyance and even harm to commercial activities, must be tolerated if the right is not to be deprived of substance.

Personal Concealment

Two Bills provided penalties for concealing an individual's identity or a portion of his face. The Special Rapporteurs noted that in fact numerous jurisdictions have in recent years banned peaceful protesters from covering their faces during demonstrations, motivated by fears that demonstrators who wear masks or hoods could engage in violence and escape punishment due to their concealed identities. However the Special Rapporteurs were concerned that bans on face coverings during assemblies are in some circumstances used to target particular groups and improperly curtail their right to freedom of peaceful assembly. They further stated that there may be legitimate and non-criminal reasons for wearing a mask or face covering during a demonstration, including fear of retribution.

POINTS FOR DISCUSSION

The Bills were mainly proposed at the beginning of 2017. The Special Rapporteurs noted that several protests have erupted in the past few years in the USA, including in relation to the Black Lives Matter movement, protests against the Dakota Access Pipeline, and more recently after the presidential elections. They saw the proposed legislation, by increasingly criminalizing peaceful protests, as designed to discourage development of such movements.

The Special Rapporteurs cited Article 19 of the ICCPR (see footnote 3 above). We need to consider both the right and the proviso: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than ..."

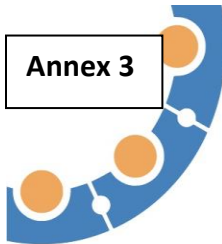
Just as the U.S. government was asked to provide its observations, let us explore the same questions:

- Information or comments in relation to the allegations
- How the Bills accord with the USA's obligations under international human rights law, particularly as enshrined in articles 19 and 21 of the ICCPR, and articles 19 and 20 of the UDHR, and
- What might be the impact of the proposed legislation on the situation of human rights.



Factsheet: United States Country Visit

UN Special Rapporteur on the rights to freedom of peaceful assembly & of association



Annex 3

Are assembly rights impeded by the 'permit' system so prevalent in the US?

Assembly rights are relatively healthy in the US, but the Special Rapporteur is concerned that most jurisdictions require permits to protest. International human rights law favours a prior notification system rather than a permission system. Requiring advance permission risks turning the right to assembly into a privilege, where the exercise of fundamental freedoms is dependent on State discretion. The Special Rapporteur is also concerned that many local authorities impose permit application fees, some of which carry prohibitive costs (as high as \$400 in Phoenix). Others require applications early in advance – up to three months notice for a public procession in Phoenix, for example (A/HRC/35/28/Add.2, paras 26-31).

Yes

Is the increasingly aggressive and militarized police response to protests justifiable?

Most US police understand and implement best practices for managing assemblies, but they sometimes diverge. One of the most troubling examples has been the use of military equipment and excessive force. Both were particularly evident during recent protests in Ferguson, Baltimore and elsewhere. The Special Rapporteur heard numerous complaints that police used excessive force to arbitrarily arrest protesters for minor acts, such as stepping off crowded sidewalks, and targeted arrestees for their race or ethnicity. Also concerning: the now-common police response to demonstrations with military-style tactics, full body armour, and an arsenal of weaponry suited more to a battlefield than a protest. Protesters are not war enemies and should never be treated as such (A/HRC/35/28/Add.2, paras 34-37).

No

Are peaceful assemblies by minority groups policed differently?

The Special Rapporteur learned that demonstrations by different communities are policed differently, with racial, ethnic, cultural and class-based biases. The curfew imposed in Baltimore, ostensibly to quell protests after the death of Freddie Gray, was aggressively enforced in black communities, but not in predominantly white locales. Stop and search tactics predominantly target minority individuals. Immigration and Customs Enforcement (ICE) agents have also reportedly conducted surveillance at assemblies focused on migrant issues. Aggressive street policing also affects assembly rights: Young African-Americans in a number of cities described their inability to meet in public places, even within their own communities, without police harassment (A/HRC/35/28/Add.2, paras 38-39).

Yes

Do so-called 'right-to-work' laws promote workers' assembly & association rights?

So-called 'right to work' laws – better described as 'union busting' laws – are emblematic of the 'dismal picture' for the exercise of association rights in US workplaces that the Special Rapporteur found (A/HRC/35/28/Add.2, para 48). These laws, currently in force in 28 states, prevent compulsory payment of dues or fees to unions. Proponents style them as a promoting 'fairness,' but this argument is intentionally misleading, as the US law requires unions to represent and bargain for all employees in a bargaining unit. Thus, under 'right to work' laws, non-dues paying workers still reap the benefits of union representation. The laws thus eliminate the most compelling incentives for belonging to a union, and serve no purpose except to erode unions' dues-paying membership base (Id., paras 48-49).

No

Are migrant workers at particular risk of rights violations?

Guest workers are particularly vulnerable to violation of their assembly and association rights because of their precarious immigration status. A key driver of injustices facing documented migrants is the H-visa regime that ties the legal immigration status of a worker to a single employer (A/HRC/35/28/Add.2, paras 56-58). This ensures that the balance of power favours the employer: workers who attempt to organise or remedy labour-related issues jeopardise their continued employment, as they may be terminated, deported and blacklisted from future opportunities. The situation is even worse for undocumented migrant workers (Id., paras 59-60). Under international law, all workers, regardless of nationality or immigration status, are entitled to their human rights, including the right to freedom of association. Crossing borders does not take away these rights (Id.).

Yes

Does the US election campaign finance system impact association rights?

In the US, a majority of people are locked out of political spaces because access to leaders is so dependent on money, i.e., 'political contributions.' The result is a type of open and legalized corruption, where politicians unapologetically prioritise the views and policy preferences of their paymasters. Associations are vehicles through which individuals can come together to express and act on their political views, and the Special Rapporteur views the effects of unregulated political campaign spending through this lens. A campaign finance system which drastically favours the wealthy may not be a direct restriction on the association rights, but it acts as one in practice (A/HRC/35/28/Add.2, para. 75-80).

Yes

About this factsheet

This factsheet was produced by the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (2011-17). It summarizes the findings of his official visit to the United States of America on July 11-27, 2016, which he made as Special Rapporteur at the invitation of the Government. For Kiai's end of mission statement from July 2016, see <http://www.freemsssembly.net/news/userstatement/>

What are country visits?

The Special Rapporteur conducts country visits to UN Member States, when invited, to examine in detail the enjoyment of the rights to freedom of peaceful assembly and of association, to identify any problems and to make recommendations on how these could be resolved. Following the visit, the Special Rapporteur presents a final report to the Human Rights Council.

The United States of America at a glance

- Official name: United States of America
- Population: 325,000,000
- Capital: Washington, DC
- Type of government: Federal presidential constitutional republic
- Head of state and government: President Donald Trump (Since 2017)
- UN Member State since: Oct. 24, 1945
- Member of the Human Rights Council: Yes (through 2019)
- Standing invitation to UN Special Procedures: No
- Visits by other Special Procedures mandate holders: 15 (since 2009)

Check out the full report

The report (A/HRC/35/28/Add.2), along with the Government of the United States of America's official response, is available at the following link: <http://freemsssembly.net/reports/usa/>

At a glance sources available via hyperlinks

Former United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (published June 2017)

<http://www.freemsssembly.net> • <https://www.facebook.com/MainaKiaHumanRights/> • <https://www.flickr.com/photos/mainakia> • <http://ohchr.org>

Factsheet: United States Country Visit (A/HRC/35/28/Add.2)

UN Special Rapporteur on the rights to freedom of peaceful assembly and of association - page 2

A note on race and its relation to FOAA rights

The Special Rapporteur's visit focused on peaceful assembly and association rights, but he found it impossible to evaluate these rights without issues of racism pervading discussions. Racism and the exclusion, persecution and marginalization that come with it, affect the environment for exercising association and assembly rights. Understanding this context means looking back at 400 years of slavery, Jim Crow laws, and enforced segregation and marginalized the African-American community to a life of misery, poverty and persecution. It means looking at what happened after Jim Crow laws, when old philosophies of exclusion and discrimination were reborn, cloaked in euphemistic terms such as the "War on Drugs" - which has resulted in a situation where one out of every 15 black men is currently jailed. There is justifiable and palpable anger in the black community that needs to be expressed. This is the context that gave birth to the non-violent protest movement Black Lives Matter and the context in which it must be understood (A/HRC/35/28/Add.2, para 13-14).

What are the Special Rapporteur's findings?

The United States is at a moment where it is struggling to live up to its ideals on a number of important issues, the most critical being racial, social and economic equality. But it is also a nation of struggle, resilience, diversity and ambition - all of which make it eminently capable of overcoming these problems. Assembly and association rights have always played a central role in the United States' past struggles for justice and equality. Indeed, the country's history reads like a guidebook on just how pivotal these rights can be - from the abolition of slavery, to women's suffrage, to the civil rights movement, and more. Assembly and association rights remain just as important today, at a time when the United States is experiencing some of its deepest social and political divisions in a generation. These divisions cannot be healed by decrees from above, by criminalizing protests, or by keeping people from organizing. Addressing them requires an environment that encourages participation, dialogue and a plurality of voices. Achieving this kind of pluralism requires maximum protection and promotion of peaceful assembly and association rights. The Special Rapporteur is confident in the ability and goodwill of the American public to decisively address these concerns. He also hopes that the Government will continue to be a lead advocate for the rights to freedom of peaceful assembly and of association both in the national and international arena (see paras 81-83).

What is the United States Government's response?

The United States Government's official response to the report had not yet been made public at the time this factsheet was published. When it is released, it will be available at the following link in the "related materials" section at the bottom of the page: <http://freemassembly.net/reports/usa/>

Former United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (published June 2017)
For more factsheets, see the former Special Rapporteur's website at <http://freemassembly.net/factsheets/>

"ASSEMBLY AND ASSOCIATION RIGHTS HAVE ALWAYS PLAYED A CENTRAL ROLE IN PAST STRUGGLES FOR JUSTICE AND EQUALITY IN THE UNITED STATES. ... THEY REMAIN JUST AS IMPORTANT TODAY, AT A TIME WHEN THE UNITED STATES IS EXPERIENCING SOME OF THE DEEPEST SOCIAL AND POLITICAL DIVISIONS IN A GENERATION."

A/HRC/35/28/Add.2, para 82

Selected recommendations to the US Government

- Eliminate permission requirements and excessive permit fees required to hold peaceful assemblies, and adopt a notification system instead;
- Refrain from enacting new laws at the local, state and federal levels which unduly restrict the right to freedom of peaceful assembly;
- Ratify outstanding international labour conventions, particularly ILO Convention Nos. 29, (forced labour), 87 (freedom of association and the right to organise), 98 (collective bargaining), 100 (equal remuneration), and 111 (discrimination);
- Increase funding and staffing at the National Labour Relations Board and Department of Labour to vigorously enforce the NLRA and other labour laws;
- Establish an independent counter-terrorism ombudsperson to monitor compliance of US laws and practices in the fight against terrorism with international human rights law.

Full recommendations available at [paras 85-89 of the report](#)



Scorecard: the USA's ratification of key UN human rights treaties

International Convention on the Elimination of All Forms of Racial Discrimination	✓
International Covenant on Civil and Political Rights	✓
International Covenant on Economic, Social and Cultural Rights*	
Convention on the Elimination of All Forms of Discrimination against Women*	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	✓
Convention on the Rights of the Child*	
International Convention on the Protection of the Rights of All Migrant Workers and their Families	
International Convention for the Protection of all Persons from Enforced Disappearance	
Convention on the Rights of Persons with Disabilities*	

(Red circles & check marks indicate USA is a State party to the instrument in question)
* signed but has not yet ratified

Source: [OHCHR](#)

Annex 4

The Sustainable Development Goals (Global Goals)

In September 2015, 193 world leaders agreed to 17 Global Goals for Sustainable Development. If these Goals are completed, it would mean an end to extreme poverty, inequality and climate change by 2030. <http://www.globalgoals.org/>

The pictogram below is a standard representation of the 17 goals. Our consultation on July 26 focused especially on Goal 16, but many of the others were also relevant to the discussion.

