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House Bill 706 e-Newsletter

No.8  
May 2006

## Greetings!

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### Haitian Immigrants' Right to Favorable Working Conditions as CNAs

*Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” Article 23 (1), Universal Declaration of Human Rights*

Eighty percent of Certified Nursing Assistants (CNA) in the Boston area are Haitian immigrants, most of whom are women. While these CNA enjoy the right to work, the conditions under which they labor are neither just nor favorable. Indeed, the terms of employment precludes them from performing at professional



## HB706 Supporters

- African and African American Development, Education, and Research Training Institute
- American Association of University Women - MA
- American Civil Liberties Union of Massachusetts
- Amherst Human Rights Commission
- Amnesty International USA
- ARISE for Social Justice
- Asian Task Force Against Domestic Violence
- Association of Haitian Women
- Boston Black Women's Health Institute
- Boston Women's Fund
- Brockton Commission on the Status of Women
- Cambridge City Council
- Cambridge Human Rights Commission
- Cambridge Peace Commission
- Cambridge Women's Commission
- Center for New Words
- Center for Women's Health and Human Rights, Suffolk University
- Centro Presente
- Coalition for a Strong United Nations
- Citizens for an Informed Community (Greater Bridgewater)
- Community Change, Inc.
- Greater Boston Civil Rights Coalition
- Greater Boston Physicians for

standards, severely compromising the dignity of both client and provider. While a bill to limit the number of patients that can be assigned to a single nurse is likely to come up on the House and Senate floor soon, nothing of the sort is in sight for CNA. One nursing assistant reported that she had to take care of 16 patients in one shift.

This was the message delivered by Carline Desire, director of the Association of Haitian Women in Boston ([AFAB](#)), on March 4th at the Codman Square Great Hall. At this gathering to commemorate International Women's Day, Ms. Desire passionately delivered the preliminary findings based on a series of in-depth interviews with eleven Haitian Certified Nursing Assistants employed by various nursing homes in Massachusetts. The human rights and labor violations they face include verbal abuse by administrators and patients; long working hours and CNA to patient ratios that breach Massachusetts state labor laws, and which are falsely reported by their employers; denial of cultural rights by enforcing an English only environment, even when the CNA were on break; and deliberate misinformation about their rights as employees. Employers were also reported to actively dissuade the formation of labor unions, using the immigrant status of CNA as a threat. The workers' right to information is further compromised by a language barrier.

This recent report is disappointing at best, considering that the Greater Boston Interfaith Organization had raised the issue of human rights violations that CNA face more than two years ago. At that time, they galvanized the faith and Haitian communities to pen a Care Worker's [Bill of Rights](#), and to set up guidelines to monitor the working conditions at nursing homes. The organizing effort also prompted Attorney General Tom Reilly to issue a clear, albeit, non-legally binding, advisory to all nursing home management in the state of Massachusetts. Obviously, the advisory has been ignored and the rights of CNA have not been enforced, as Reilly claimed they would.

As the country considers immigration reform, policy and law makers will only be upholding the law when they ensure that the rights of immigrants to favorable working conditions and wages, to information, to form unions, are respected.

*At 4 p.m. on Wednesday, May 17, 2006, immigrant mothers impacted by our nation's immigration system will join the Massachusetts Immigrant and Refugee Advocacy Coalition and National Alliance of Latin American and Caribbean Communities for a rally and march in Boston Common. Future strategies to advance immigrant rights include voter registration and citizenship drives in communities across Massachusetts.*

### **May 15th: Mother's Day Teach-in on Poverty and Justice**

"Let's raise our voices!" Help change unjust policies in this Commonwealth into policies that truly promote the healthy welfare of all on May 15, 2006. Meet at the Park Street station at 11:30, march up to the State House and participate in a teach-in on poverty, justice and human rights in Room 222. Presenters

- Greater Boston Physicians for Social Responsibility
- HarborCOV, Inc.
- Healthcare for All
- Human Rights Education Associates
- League of Women Voters of Massachusetts
- Martin Baró Fund for Mental Health and Human Rights
- Massachusetts Association of Human Rights and Relations Commissions
- Massachusetts CEDAW Project
- Massachusetts Commission on the Status of Women
- Massachusetts Correctional Legal Services
- Massachusetts Lawyers Alliance for World Security
- Massachusetts Welfare Rights Union
- Men's Resource Center (Amherst)
- National Association of Social Workers- Massachusetts Chapter
- National Association for Women- Massachusetts Chapter
- Peace and Justice Committee of the Episcopal Diocese of Massachusetts
- Physicians for Human Rights
- ROCA, Inc.
- Somali Development Center, Inc.
- Somerville Women's Commission
- Survivors, Inc.
- Traprock Peace Center
- UDHR Project, Heller School, Brandeis University
- Unitarian Universalist Service Committee
- United for Justice with Peace
- University of Massachusetts Boston Human Rights Working Group
- Western Massachusetts Darfur Coalition
- WILD for Human Rights (San Francisco)
- Women's Action for New Directions, Newburyport Chapter
- Women's Bar Association
- Women's Community Cancer Project
- Women's International League for Peace and Freedom
- Women's International Network (WIN) News
- Zonta Club of Northampton Area

It's not too late to join us!  
Download our endorsement packet

[here](#)

[More about human rights](#)

include Representative Gloria Fox, Boston City Councilor Chuck Turner, Grace Ross, Lisa Richards, Ken Ramsey, with the Raging Grannies and Linda Carney Goodrich performing. Childcare and transportation subsidies available.

To sponsor the event and for more information, contact Dottie at 617-298-7311 or masswelf@aol.com, Susan at 617-524-0271, or Jeanne at 617-296-3832.

### May 16th: Human Rights Documentation Workshop

"Lessons from Katrina: Engaging Students in Documenting Violations of Economic Human Rights in Our Communities," is a training offered for service learning professionals, university faculty and community/popular educators. It will offer a general framework for how to carry out a human rights documentation project and how to apply it as a service learning tool in the classroom and community. Participants will learn about what economic human rights are and how they are protected by the UN system, will participate in hands-on exercises analyzing human rights violations after Hurricane Katrina, and will learn about ongoing human rights documentation projects that they can engage in with their classes. The training will take place from 12-4pm at Suffolk University in the Donahue building, room 403, at 41 Temple Street, downtown Boston. Lunch provided. RSVP or direct questions to [servicelearning@suffolk.edu](mailto:servicelearning@suffolk.edu).

*Co-sponsored by the Center for Women's Health and Human Rights and the S.O.U.L.S. Community Service Center (Suffolk U), the National Economic and Social Rights Initiative, the Economic Human Rights Project, Human Rights Education Associates, and the Massachusetts CEDAW Project.*

### Don't Miss the Guerilla Girls in a Benefit Performance for the Boston Women's Fund

Sunday, June 4, 2006 3:00 p.m. and 7:00 pm At the Brattle Theatre, 40 Brattle St., Cambridge, MA Tickets: \$40.00

The Guerrilla Girls use outrageous humor to convey information and provoke discussion. Their goal is to expose sexism and racism in politics, the art world, film and culture at large. They perform anonymously by wearing gorilla masks and identify themselves as dead women artists. The Guerrilla Girls will be part of Amnesty International's Stop Violence Against Women Campaign in England.

Tickets are available [online from the Brattle Theater](#). Some reduced seats for students, low-income and seniors. Call Boston Women's Fund at 617-725-0035. [The Boston Women's Fund](#) raises money to provide grants to grassroots women organizing for social justice.

### U.N. Grapples with Police Brutality in the United States

Maybe you caught the [story by Alexander Higgins in this morning's Boston Globe?](#) Yesterday, May 8 and on Friday, May 5, representatives of the U.S. government appeared before the U.N.'s Committee on Torture in Geneva to defend our country's record.

[education and the right to housing](#)

[Center for Housing Rights and Evictions](#)

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They faced sharp questioning by legal experts who were particularly well informed about practices ongoing both in prisons abroad and at home. In addition to information provided by U.S. officials in their periodic report under the UN Convention Against Torture, the committee members had received dozens of “shadow reports” containing documentation compiled by U.S. civil society organizations.

It is typically said that international human rights treaties operate through mobilizing public shame, and it is clear from the news clips that the U.S. did agree to speed up its efforts to reform practices in Guantanamo, Iraq, and Afghanistan as a result of these recent exchanges. However, the visible role played by the “shadow reports” in structuring this encounter also demonstrate some of the other ways in which human rights treaties and their reporting mechanisms can work to strengthen human rights compliance.

The [Massachusetts Statewide Harm Reduction Coalition](#) (SHaRC), for example, was one of over forty civil society groups that participated in the drafting of and signed on to a shadow report detailing persistent police brutality and abuse in the United States. By participating in the shadow reporting process, SHaRC broadens its network of potential allies, deepens its understanding of international legal standards, and generates a new tool for advocacy in its struggle to stop the building of additional prisons in Massachusetts.

In presenting the report to UN committee members on Thursday, May 4, human rights attorney Andrea Ritchie noted that, “ongoing systemic patterns of use of excessive force by law enforcement agents across the US continue to disproportionately impact people of color” and that “rape and sexual assault committed by law enforcement officers in the US often goes unreported, and when reported, is often dismissed by authorities.” She went on to note that “while the US government acknowledges ongoing allegations of police brutality, it maintains that it is in compliance with the Convention because all acts constituting torture or CID as defined by the Convention are crimes subject to prosecution by federal or state authorities.” However, these after-the-fact channels of redress are often difficult to access and yield no real justice. The report cites a case in which, after seven years of litigation, individuals who had experienced severe pain and suffering and permanent injuries after police officers smeared pepper spray on their eyes with q-tips were awarded \$8 in damages, and have yet to obtain an order banning such practices.

Because the human rights reporting process invites us to connect the dots linking individual incidences into patterns of abuse and failures of existing systems, it can serve as a means for building a broader justice movement within the U.S. Individuals and groups who are interested in participating in the shadow reporting process in response to U.S. reporting under the International Covenant on Civil and Political Rights are encouraged to check out the documents currently available at [on the U.S. Shadow Report Coordination website](#).

For those who have been following the growth of the U.S. prison industrial complex, very few of the details in this or other "shadow reports" will come as a surprise. What's important to note is the increasing synergy and mounting critical mass that this collaborative effort represents.

### Erratum

We inadvertently published a version of the article on the rights and violations of female detainees by the New Freedwoman Project in Issue 6 (January, 2006) of the newsletter that did not include the author's final edits. We apologize for this oversight. The entire article can be accessed at the author's [blog](#).

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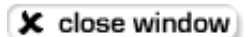
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