

WORDS+ 2008 Lecture

Securing a Voice in This World

By: India Ochs

Thank you John, and good morning to everyone. I just wanted to thank you all for being here today, and sharing the next 40 minutes or so with me. I know if I was in the audience, all I would be thinking about was how soon would this speech be over so that I could get to one of the most important sessions of the day, which is lunch.

So as John so kindly introduced me, I am India Ochs and currently work on juvenile justice issues across the United States. But before tackling that work, I used to be the legal officer at the Robert F. Kennedy Memorial Center for Human Rights, which is the real reason why I am here today. Regardless of where we live in the world, where we go to school, what our job titles may be, or who we interact with each day, we all share two things in common, we are all human beings and we each make an impact on the world we live in. And so today, I wanted to share some about what rights we all have as human beings, the struggles going on in today's world when those rights are violated, and the impact that each of us can have in supporting such rights. There is no way I could even try to share everything about human rights today, but I do hope that, along with all of you staying awake during this talk, I hope each of you can leave today with one new idea of how you can see the world and make a difference in your own communities.

But before I begin, I just want to see a show of hands of everyone who can think of one time when they feel they have been discriminated against. Take a moment and look around at the different people with their arms raised. The reality is, no matter who we are or where we come from, all of us have been or will feel that we were discriminated against at some point in our lives. And so, turning to the first slide, to share a quote by the journalist Carl Rowan, "It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home." I will come back to the meaning of this quote in a few minutes, but I wanted to share it at the start because what truly makes a difference is how we react to such discrimination, or other forms of human rights abuse - not only in our lives but in the lives of those in our own communities, countries and around the world.

So I made you all raise your hands, and started to preach about how we each can make a difference in this world, but what kind of difference am I talking about and why do so called human rights even matter when we all are just trying to survive everyday. Well for me, I have come to realize it does not matter what you may call it or define it, human rights are exactly about being able to survive - and succeed - every day. Even though the term *human rights* is a relatively new one in history, human rights and human rights abuses, have been around since the beginning of man's existence. None of us should ever downplay those moments when we feel we should have a right to justice or be free to say what we want or go where we want or simply feel like we have the right to be free. But I will admit that for most of my life, when I thought about all the things I had a right to do in life, I never really thought about the actual term human rights when I was young. What I did think about when I was five years old was the fact that I wanted to be an attorney so that I could help people fight for their rights, and by the time I was six, I had my life plan all laid out about how I would be involved with the law while serving the public. It had nothing to do with knowing about "human rights" but there was just something inside of me from the time I can remember that cared about the rights of other human beings and wanting to make sure everyone had the same level of justice and ability to go after their dreams that we all deserve. I knew everyone had the right to be heard in this world, and I was going to make sure someone would be there to support them when fighting for their rights, whatever those rights may have been. That passion in believing in the rights of all mankind, affected every decision I made during the last 28 years and why I am standing here today. And so, as you can see, it does not matter if you have ever used the term human rights, at some point we all believe in certain basic rights that we possess as human beings.

That being said, its still nice to know what others may be talking about when they use words such as human rights or international covenants so let me give you a general definition of what human rights are and then we can get into the pulling on the heart string part of the talk by bringing all of this down to the reality in our own lives..

In simple words, human rights allow us to have the freedoms of life and liberty, having the right to make our own decisions and protecting us from harm or injustice from others, whether from individuals or governments. One other way to define human rights is to say that they relate to the common humanity of individuals, focusing on the qualities we all share as human beings, as well as recognizing that having differences between individuals does not separate us from all being human beings,

To try to guarantee these rights across the world, the international body called the United Nations was formed at the close of World War II in 1945. There are now 192 member states, or countries, in the United Nations. On December 10, 1948 the United Nations adopted the Universal Declaration of Human Rights. The basic concept of this declaration goes with the overall notion of human rights, and that is that all people are born free and equal in dignity and rights. That means that everyone has fundamental needs and privileges that may not be denied - and we are all responsible for each other. As you can see on the screen, the Declaration identifies many rights, such as life and liberty, freedom from slavery or torture, equality before the law, freedom to move around your own country and travel where you want, the right to marriage and family, and the right to work or education. The Declaration has become a measure by which people can judge what human rights are, but it was just the first of many international documents that would shape what the world sees as human rights today. Other core international human rights treaties deal with Economic, Social, Cultural, Civil and Political Rights, along with targeting specific issues such as stopping racial discrimination, eliminating torture, protecting women, children and Migrant Workers, and recognizing the rights of Persons with Disabilities,

I have touched briefly on what human rights are overall, but do those documents I just listed, actually mean anything? The answer is both yes and no. Each of those documents are mandatory within your own country only if your country has signed and ratified the specific treaty, and the reality is, virtually none of these international conventions have been signed and ratified by every single country. That being said, the fact that a country has not officially signed onto one of the conventions does not clear it totally from the

responsibility of acknowledging those rights and ensuring that such rights are being implemented within its own country, Simply by being a member of the United Nations makes a country responsible for certain rights, especially those included within the United Nations Charter and Declaration of Human Rights. All countries have some level of duty to not only integrate these rights within their own national laws, but ensure that those rights are upheld on the ground.

The troubling fact is that it has been 60 years since the United Nations was established, and the statistics do not paint a pretty picture, with an estimated 60 million people having been killed or physically or emotionally injured through such abuses since the passage of the Declaration of Human Rights, and the numbers keep rising. The good news though is that the numbers of people and organizations promoting human rights continue to grow as well. And that leads me to the heart of my talk today, which deals with the issue of modern day slavery, some of which might not be easy to hear but which also reflects that change can happen.

Slavery can be a scary word to say at times, and also a confusing one, since people have so many impressions of it. We all may know what slavery means, but not everyone interprets it the same way when we talk about slavery in today's world. Even if we know nothing about the slave trade, it is something we think of as part of our history rather than our present. Some like to say modern day slavery now, but I tend to just say the word slavery, since the reality is; the slavery that takes place today has the exact same meaning as the slavery that occurred 200 hundred years ago along the coasts of Africa or 2000 years ago when the Roman Empire was invading Europe.

Statistics show that there are 27 million slaves around the world. These slaves are in almost every country, from India to Turkey to the United Kingdom, to Brazil and Guatemala to the United States. As you can see, these 27 million slaves tend to fall into 5 areas, but today I will primarily be talking about situations of debt bondage, in which a person is tricked into taking a loan. To repay the debt, many are forced to work long hours, seven days a week all year long. They receive basic, if inadequate, food and

shelter as payment for their work, but may never pay off the loan, which can be passed down for generations.

Turning to the issue of how to stop such horrific practices, the thing that makes no sense is that the elimination of slavery is one of the most universally supported human rights issues. Just take a quick look at history and you can see that people have been trying to eliminate slavery for a long time. The first international document against slavery was all the way back in the 19th century with the 1815 Declaration Relative to the Universal Abolition of the Slave Trade and records show that between 1815 and 1957, around 300 international agreements were implemented to eliminate slavery. And as of right now, almost every country in the world has passed their own laws against slavery. But what may be set out on paper is not always what is actually happening and many countries, for reason that we could debate all day and never settle on, simply fail to enforce the anti-slavery laws they themselves have established

The writer Aesop once said “While I see many hoof marks going in, I see none coming out. It is easier to get into the enemy's toils than out again.” When I started working at the RFK Center for Human Rights, I quickly saw how thousands of migrant farm workers were getting caught up in those enemy toils, with almost no way to get out of them. I was surprised when just over a month into my work, when I was still just a volunteer in the office, learning the ropes of how things worked within the human rights community, especially on the issue of slavery, that my supervisor asked me to go alone to the United Nations in Geneva Switzerland to represent the farm worker group we had been working with, and advocate on their behalf. So just what was the story I was going to tell at the United Nations, and why did I feel passionate enough to go testify on my own about an issue I had only just really learned about 6 weeks before.

I had initially come on board at RFK to provide legal and legislative support to a farm worker group, called the Coalition of Immokalee Workers, who were fighting for the right to unionize, better wages and working conditions, and especially the elimination of slavery. On my first day at the office, I heard a story that would always stay in my

memory, about how some members of the group had tried to rescue 3 workers from a farm. The people attempting to do the rescuing, who were farm workers themselves, had come in a van in the middle of the night, trying to avoid the armed guards that had been patrolling the grounds. Unfortunately, as the 3 workers were getting into the van, someone saw them and came up to the van, smashing the windows, hitting the driver in the face with a pistol, and pulling the workers out of the back seat as it was driving away. Luckily those workers managed to escape several weeks later, but not before being severely beaten that night. So why was this happening right in the middle of the United States? Unfortunately, ten of thousands of people have fallen into these situations, usually through debt bondage schemes. It usually starts when someone enters the country through the border, although there are many cases of kidnapping from across the border as well. Shortly after arriving in the United States, a person, let's call him Juan, would be approached by a man who offers to give him a ride to the state of Florida, nearly 3000 miles away, where there would be good work and pay. Juan, who is seeking work to provide for his family, goes along with the generous man on a three-day ride to Florida. When they arrive in the strange town, the man may tell Juan to remain in the car as he talks with another man at a store. After an hour, Juan is then called out of the car and introduced to the new man, who now would be the person who Juan would work for. It is only then that Juan is told that he owes his new boss \$1000 as repayment for the ride to Florida. He is threatened with death if he tries to leave before the debt is paid off. And so those kinds of stories, which show that farm workers in the US are not simply facing slave like conditions, but actually slavery.

But just to back up a little, there are some statistics that I think are important to mention just to show the whole picture of the agricultural system in North America, so that we can see what these workers face even when not actually enslaved. To single out a particular subgroup that I had been working with the most, from 1978 – 1996, tomato pickers were paid .40 cents per 32 pounds picked, and wages have barely increased in the last decade. Those wages result in the fact that a worker must pick two tons, or 125 buckets, of tomatoes in order to make \$50 per day. While \$50 may translate to a lot in some countries, such income does not come close to providing adequate food and housing

within the US. The median income for farm workers is \$5000 - \$7500 per year, well below the US Poverty Guidelines of \$9310. Agriculture is also one of the three most hazardous occupations in the country; because of pesticide, repetitive stress, heat & sun, long hours, and machinery, and the workers experience the highest rate of employee fatality and injury in the country.

And of course, farm workers have few if any resources, nor do most know how to access the resources which are available. Farm workers are excluded from national labor laws, denying basic rights to unionize and depriving them things such as pensions, health care, and sick leave. These denials of basic human rights further open the door to slavery.

Most of the 100,000 –150,000 slaves within the United States are either from the domestic or agriculture industry. As described in the story of Juan, many workers become enslaved through transportation debt schemes. These workers are forced to labor in fields, under hazardous conditions, guarded 24 hours a day. They are threatened with physical harm, deportation, arrest and death if they try to escape, and for some, those threats are carried out. When workers do get paid, the bosses deduct their debt, rent, food, other expenses so that in the end, the workers barely break even. The other thing that I want to highlight is that those who are enslaved are both documented and undocumented immigrants as well as legal citizens born in the United States, who fall into slavery when found homeless on the streets.

At the time of my visit to Geneva, we had been focusing on both getting a change in government policy and pressing for social responsibility from the corporations who had been allowing slavery within their supply chain system. I do not want to bore you with more facts about how the agricultural system has become controlled by a handful of corporations, but the bottom line is that, over the last 20 years, by purchasing greater volumes of products, the large corporations now have the power over how much they pay for those goods. Usually, when a work force decreases, it is common for employers to increase wages as a way to draw workers to the jobs. Yet, with the high volume and low prices in the agricultural business, growers are not willing to increase farm workers'

wages. The alternative to many growers is to use forced labor to keep workers in the fields.

So how much responsibility do corporations have in stopping growers from enslaving their workers? As you can see on the screen, there has been some movement at the international level to ensure that their activities do not lead to human rights violations, and that corporations are not profiteering off of such violations. Yet, attorneys for the corporations that buy goods such as tomatoes claim that because they do not own the farms or hire the workers that the problem is not theirs. At the time of my trip to the UN, one corporation which factored into the agricultural sector was YUM! Brands, which is the largest restaurant company in the world, made up of six subsidiaries including the chains of Taco Bell and Pizza Hut. The worker's rights group we were advocating for had spent years urging YUM! to take steps with workers and growers in order to increase the piece rate of tomatoes and eliminate abuses to the workers within the supply chain. YUM! spokesmen continuously expressed that while the instances of slavery were horrible, they had no power, nor bear any responsibility, in attempting to eliminate such conditions. They claimed that given that they had no direct link to the workers as employees, they had no reason or resources upon which to help the workers. And yet, if I may read from the screen directly, this corporation who claimed to be powerless also made this official statement on their website that:

“YUM! Brands is the owner of restaurant companies and, as such, does not own, raise, or transport animals. **However, as a major purchaser of food products, we have the opportunity, and responsibility, to influence the way animals supplied to us are treated. We take that responsibility very seriously, and we are monitoring our suppliers on an ongoing basis to determine whether our suppliers are using humane procedures for caring for and handling animals they supply to us.** As a consequence, it is our goal to only deal with suppliers who promise to maintain our high standards and share our commitment to animal welfare.”

They also had found resources to set up an expert committee to ensure that the welfare of animals was protected and to have continuous dialogue with animal rights organizations and suppliers to ensure that the proper standards were met.

The reason I am highlighting all of this information is not to bash YUM! brands, since as I will talk about shortly, there was a happy ending to that particular story, but to show exactly what people are dealing with when they attempt to go against corporations who are violating basic human rights. And so with these facts and figures, and examples of how workers were not being protected from slavery, I went to the UN to advocate for corporations to change their policies and practices to prevent slavery, as well as urging government to enforce laws that should protect the farm workers. So don't worry, that is the end of any statistics and academia type of information, and I can finally talk about what actually happened in Geneva.... Oh wait, this isn't supposed to be a slideshow of all the dinners I had at McDonalds that week since that was the only restaurant I could figure out the French name for a Double Cheeseburger.

So I was sent to Geneva to testify on behalf of slavery and farm workers before the annual session of the UN Working Group on Contemporary Forms of Slavery. It was a 3 day session, and while I had no idea when I would be testifying, all I did know is I had five minutes to say everything I just spent the last 30 minutes talking to you all about, and I needed it to make a difference. I had no idea what to expect when I walked into the meeting that first day, but I think that I was so worried about not getting through security on time that I was just happy to step through the door with 5 minutes to spare. There were around 100 participants that week, from all over the world. I was also thrilled to get to give my testimony at the end of that first day, since I knew after that I could just sit back and relax and interact with no more looming responsibilities. But there were two very surprising results that came out of my testimony that I want to share with you today. The first is something that I found very funny, and something that even helped me four years later when preparing this lecture, and that deals with never taking anything for granted, including translation. In a similar way that ISAAC wanted a copy of this lecture to translate, the organizer at the United Nations had asked for a copy of my testimony, so

that she could give it to all of the translators to be able to read and follow along as they translated to those listening on the different language head sets. The only problem was, a copy of my testimony was given to every translator that day, except for the English translator, Now that would make sense given that I was speaking in English but the irony was, it turned out they needed the translation just as much as the others. After the session that day, many people came up to me to talk about my testimony, but it was only the English speaking people, especially the few Americans in the room, that came up to ask for a copy of my testimony because they could not fully understand all of my speech and there was no one on the English audio channel translating it for them. So needless to say, that was a lesson learned that you should never take anything for granted, including the fact that your own people will understand everything you say, whether you are using a speech generated device or your own voice.

The other surprising item that came up from my testimony, which also related to never taking something for granted, was how the other participants reacted to my testimony. As someone who had only been exposed to the issue of slavery for a few weeks, I had thought that I would be totally new to all the things that were discussed. What actually happened was the reverse of that initial thought. While I was at the session, I heard stories about the young boys used as camel jockeys in the Middle East, about the child labor in India, and the gangmaster system in the United Kingdom. Some of the stories I had been aware of, others had more detail than I could have imagined but none were actually that surprising to me. And yet, in this room full of international experts dealing with slavery in every possible region of the world, it turned out that virtually none of them knew about the slavery going on with the farm workers in the United States. Instead of me being shocked at the various stories, I had many people come up to me after my testimony expressing how shocked they were that such abuses were going on in the United States. I walked away that first day baffled at the fact that these experts, some who were even from the United States, had never heard such stories, but I also walked away feeling happy that I did come to Geneva, knowing that at the very least, I had laid the foundation for all these different people to be aware of what was going on in North America. That opportunity to testify before the Working Group, and the satisfaction that

it gave me to know I had been able to share the stories of the farm workers leads me to one final component of human rights that I wanted to focus upon, and that deals with the right to expression,

Truth be told, without the right to expression, none of the other rights we believe in would exist. Before any international treaty was passed by the United Nations, they passed a resolution in 1946 which stated that "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated." Having access to information and being able to share information is the only way society can fully function and grow, and how we can ensure that our own rights, and the rights of others, are being protected. There is no question that I would not be where I am today, doing what I do to advocate for others, if it was not for that right to expression. Talking to the farm workers, testifying at the United Nations, writing letters to the editor, or meeting with government officials, all of those things are based on my right to express my views, whatever those views may be. Not to mention, the right to expression is probably the strongest weapon I have against anyone who may try to stop me from expressing my views simply because I can not speak.

Take a moment and think about the situations some of us in this room face because of our speech disabilities, and then think about situations where someone is trapped in slavery with no way to ask for help. I have heard many times over recent years how those with speech disabilities have a greater likelihood to stay silent in society, and although I do not believe that is true for all with a speech disability, I understand how some might be placed in an unknown situation with no known outlet much like those who are placed in slavery. Individuals who face human right abuses are the most vulnerable to staying silent, whether those human right abuses are through slavery, being put in jail with no trial, denied the right to vote or discrimination because of a disability. Too often the biggest reason people get trapped in slavery is the right to expression, or more importantly, not knowing that they have that right to expression. Most US farm workers are immigrants from Latin American countries, coming from environments that are very different and so these workers do not know about the rights they have within the United

States. More importantly, because they speak hundreds of different dialects and languages, they not only have difficulty speaking with those who speak English, but they can not even communicate fully with their fellow workers. It's easy for an outsider to assume that two people from Spanish speaking countries would be speaking the same language, but those two people might be coming from totally different indigenous groups and thus have very few words they share in common. And as you can understand from the story I shared earlier with the rescue van being attacked, it is very difficult to reach the workers and educate them about their rights. And so, when they are threatened and told they have no choice but to stay where they are, many feel that they have to go along with the people controlling them, especially since there is no one around to tell them that what they are being told are lies. Even if a worker wanted to ask for help, many feel too frightened to say anything, either because they think they do not have the right to speak out or they are scared of being hurt if they do, or they do not know how to communicate in a different language. Everyone has the right to speech, to ask for more information or help, and the right to walk away from where you work, but none of these rights matter if you do not know about them, and when you are placed in a new country where you have no idea where to run to even if you were able to escape, and had no idea who to trust or talk to because no one spoke your language, that is where the fear of the unknown enforces the silence, and that silence allows the abuses to continue. But this is not just about being vulnerable to silence when in slavery - that silence, or inability to express your needs or desires can impact any situation in life. If a person does not ask a question, they will never get the answer they need, if they do not express their feelings, they will not get the response they are looking for. It does not matter if you want a change in a specific law or if you simply want to change the music someone is playing, if you do not take the time to ask for that change you will not get either one. And when it comes to someone who may be in harms way, it is even more vital that we use our right to expression to protect them.

I will admit that one of my biggest frustrations in life always has been seeing too many people who simply did not have the confidence within themselves to realize that they have a right to be heard in life. And so in going into law, my goal was not only to be a

voice for those who needed help, but to help them realize their own rights and their ability to speak out on their own behalf – an ability we all possess but one which can easily be hidden away by society.

We are almost at the end, and I promised that there would be a happy ending to the campaign to get the corporation, YUM! Brands, to recognize their responsibility to eliminate slavery within its own supply chain. Well my testimony before the United Nations was one step towards using our right to expression to inform others about what was going on, as well as let the corporation know that we were not going away. There had also been a 4 year boycott of Taco Bell, and then, almost a year after my testimony in Geneva, we presented similar arguments before the regional human rights commission for all of the Americas. Although we knew this type of advocacy would not have a large impact on changing the government's actions, we also knew that with each step, we were increasing attention to the issue through the increased media attention. And so, on the day after that second testimony, YUM! Brands finally came to an agreement with the farm worker coalition. It did not mean that the war against slavery was over, but it did mean victory in a significant battle –and the victory came purely through the efforts of all the people who took the time to actually see that slavery was taking place and to speak out against it. And needless to say, YUM brands came to the agreement because they did not want any more speeches made about the way they had been exploiting farm workers.

And so as I come to the conclusion of this talk, I want to come full circle with where I began, Just as I had asked how many of you may have felt discriminated against at some point in your lives, I also would ask you to think about whether any of you have advocated for human rights at some point. I do not need a raise of hands because this is the one time I will make an assumption about people, and that is the fact that I know I am standing before a group of individuals who work on human rights issues every day, even if you may not realize it. The types of rights we fight for may differ, just as the level of advocacy may vary, but whether you are asking your teacher for more reading material, asking your boss for a raise, or calling the police to report a crime, all of those things deal with protecting the basic rights we all possess, and whether we are advocating for

ourselves or for others, each time we take a step towards ensuring a right, we are ensuring that right for everyone. It is critical for all of us to understand the rights that we all have in this world, because the more we understand those rights, the more things can become clearer as we look at the lives of others. And by taking the time to look around us, the greater the chance there is of seeing someone in trouble and being able to help them – and that action can impact our lives just as much as those we may be helping. I started this talk with a quote about how it is much easier to be outraged by abuses half a world away than oppression going on half a block away. Well I just want to balance that quote with this thought, There was a scene in the movie “Hotel Rwanda” that enabled me to finally fully understand the importance of my work and the need to spread awareness on the rights we all have – along with the impact each of us has on society. In the movie, there is excitement over the fact that the rest of the world would finally know about what was taking place against innocent people in Rwanda, since CNN was going to show video of the horrendous abuse. The cameraman then turns to the hero in the movie and says that the video will not make a difference since people will see the footage on TV, say how horrendous, and then turn back to finish their dinner. In my own case, while my work had always been focused towards fighting for justice in this world that line in the movie brought everything together for me. I vowed to never be neutral again about any human rights abuse, whether that was denial of aid in another country or someone simply making a joke about race. To me, it did not matter how much I may care about something because that concern would be useless if I just stayed silent. Now I consciously look for the right and strive to uphold it, wherever found, against the wrong.

And so, we should be outraged by any violation of our rights, whether it is half a world away or right in our own home. We all have the power to look around, both at our own lives and to those we interact with every day within our communities, and we all can take action, in whatever method be it big or small. And by taking the time to look around, and taking action when we see something is wrong or someone needs help, we will not let those rights we all cherish silently slip by. Thank you.