City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Chris Iglesias
Executive Director

HUMAN RIGHTS COMMISSION
MINUTES OF
JUNE 12, 2008 MEETING

1. **Call to Order and Roll Call**

Chair Baghdadi called the meeting to order at 4:45 p.m. A quorum was present.

Commissioners Present:
Khaldoun Baghdadi
Cecelia Chung
Mark Dunlop
Nazly Mohajer
Linda Fadeke Richardson
Victoria Ruiz
Sandra Sohcot
Michael Sweet
Julius Turman

Commissioners Not Present:
Douglas Chan
Faye Woo Lee

Guests Present: Alicia Cabrera, Deputy City Attorney

Staff Present: Nadia Babella, Alaric Degrafinried, Cynthia Goldstein, Chris Iglesias, Zula Jones, Veronica Ng, Janel Wong

2. **Public Comment on Items Not on the Agenda**
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

No public comment.

APPROVAL OF MINUTES

3. **Adoption of Minutes dated February 8, 2007**
Action Item - Attachment

4. **Adoption of Minutes dated April 10, 2008**
Action Item - Attachment

5. **Adoption of Minutes dated April 24, 2008**
Action Item - Attachment

6. **Adoption of Minutes dated May 22, 2008**
Action Item - Attachment

All Meeting Minutes were unanimously adopted.

REPORT OF THE CHAIR

7. **Adoption of Bylaws**
Action Item - Attachment

The Bylaws were reviewed and adopted by the Commission on May 8, 2008. However, the version that adopted was slightly different from the version which was posted on our website with the sufficient requisite time. Chair Baghdadi asked Alicia Cabrera, Deputy City Attorney, to explain the disparities:

Ms. Cabrera stated that the term "undocumented aliens" be changed to "undocumented people". Also, regarding the LGBT Advisory Committee, the number of members has been removed to be consistent with the other Advisory Committees.

Commissioner Richardson acknowledged the work of the Deputy City Attorney, Alicia Cabrera, in ensuring that Bylaws have been put together and adopted. She asked the Chair to send a complimentary letter to the City Attorney, describing our satisfaction with the great excellence of work. Chair Baghdadi concurred with Commissioner Richardson's compliments and stated that he would speak with the City Attorney.

The By-Laws were unanimously adopted.

Chair Baghdadi announced that there are training sessions available for Commissioners to be deputized to perform marriages here at City Hall. Please contact Commission Secretary, Janel Wong, regarding details. He encouraged all to do so because it is a great use of Commissioners as symbols of human rights that extend to everyone. There is a training on Monday, June 16th, at 9:00 a.m.

Commissioner Chung took the training, stated that it is painless, and encouraged her colleagues to do the same.

REPORT OF THE DIRECTOR

8. 14.B Surety Bond and Financial Assistance Program
Ordinance passed unanimously on the First Reading at the Board of Supervisors' meeting, June 3, 2008.
Discussion Item

Director Iglesias announced that the 14.B Surety Bond and Financial Assistance Program Ordinance was unanimously passed on the First Reading at the Board of Supervisors' meeting, held on June 3, 2008.

It was on the Consent Agenda at the Board of Supervisors' meeting on Tuesday, June 10, 2008 and it passed. This allows us to implement the Surety Bond program for another five years. Related to that, there will be a hearing on the Surety Bond and Financial Assistance Program, before the Board of Supervisor's on Monday July 21, 2008, 10:00 a.m. with the Government Oversight Committee (Chaired by Supervisors Elsbernd and Maxwell). It will give us a great opportunity to talk about the Program, where we're at, and where we'd like to go. More information will be provided as we get closer to the date.

9. 12D.A MBE/WBE Extension of Program
Discussion Item

Director Iglesias announced that the item will go to the Rules Committee, tomorrow morning at 10:00 a.m. We will be presenting at it.

10. Update on the Strategic Planning Process
Status on the Request for Proposals from potential consultants funding for work. Timeframe for Commissioners' availability to participate in the initial planning process.
Discussion Item
Presenter: Cynthia Goldstein

Ms. Goldstein was pleased to announce that the Request for Proposals (RFP) for the strategic planning consultant went out yesterday with responses due on July 2, 2008. We are going to be accepting questions from the six firms who are available for public sector strategic planning. We did set some LBE subconsulting participation goals in it. We anticipate that we will have a panel to help us select a consultant and hopefully have a contract in place by August. We have to go before the Civil Service Commission to ask for their support. We are working hard on obtaining funding for this project.

Chair Baghdadi asked what will happen if we cannot secure the funding. Ms. Goldstein answered that since we haven't entered into any contract negotiations yet but we will factor the funding issue into the contract.

Chair Baghdadi asked Director Iglesias when, in his best estimate, we will be able to know when we will have the funding needed to do this.

Director Iglesias replied that we have the funding available now but we are in the process of working with the Controller's office to select a consultant is taking a long time so a dilemma we are experiencing is that if we don't use the funds by the end of the month, we could potentially lose it. Also, we have to wait until the Budget goes through. And even though several City departments want us to undertake this endeavor, he cannot get any of them to commit to help fund it.

Chair Baghdadi asked how much money we have. Director Iglesias responded that we have about $35-40k to get it off the ground. The estimate total cost of this project is $85k. The idea is to engage a consultant through the RFP process, use the money that we have on hand, and then being optimistic that once the budget cycle is complete, we'll have the money to see the project through.

Commissioner Richardson stated that, as a member of the strategic plan committee, funding has been discussed extensively but this is the first time she's heard about what our funding status is. Based upon this information, we'll be better able to plan our timeline.

Chair Baghdadi stated that he didn't hear any guarantee from our Director about funding nor does he expect one. Instead, he asked the Director if he is optimistic or can be reasonably state that we can expect the requisite funding. He will not hold anyone to an optimistic forecast because the budget is in flux and not under the Director's control. What he heard, instead, is that there is some funding available now to get the effort started. He wanted to reiterate that nothing is guaranteed.

Commissioner Sweet thanked Ms. Goldstein for her continued perseverance on this effort. It is his understanding that the plan be rolled out in phases and we will deal with it in chunks. It sounds as though we have enough money to get through the first couple of chunks. The group has a done a good job of planning the roll out.

Ms. Goldstein added that the RFP bid specifically requests that the proposers break their costs down into various tasks so that we can price it out.

Director Iglesias stated that we have approached various foundations for assistance.

Commissioner Sohcot stated that they set up the RFP to have a retreat to identify a direction and key issues to work on. Having some seed money will enable this.

Commissioner Mohajer asked where the initial funds derived from and why would they be lost if not used by the end of the month. Director Iglesias replied that they came from salary savings and that they need to be spent during this current budget cycle. Finally, she asked if we need to write a check before the end of the month to secure the funds?

Chair Baghdadi reiterated the question by asking what, mechanically, needs to happen.

Deputy Director Masood Ordikhani was asked to approach for clarification. He stated that the funding is allocated now is from salary savings in the general fund in the request to the Mayor's Office and the Board of Supervisors for funding for Fiscal Year 09 which is the next year, it denied the funding for it. If the funding that's allocated for it now (since its salary savings), it can be allocated to this project because we can allocate it wherever we want since its general services. Once the fiscal year ends, however, we won't have that money available to us because that is used and reappropriated across different funds in the City to bring the entire City's budget to balance.

To respond to the specific question about writing a check, if the process is initiated and we have someone that we can pay consideration for their services then we would be able to pay them, utilizing these funds. From what he understands about where we are in the process, he doesn't believe we'll get to the point where someone can be selected post-RFP to then be paid consideration for those services. Therefore, he believes the funds available now won't be able to be used for the next fiscal year.

Commissioner Mohajer expressed her desire to see a planning retreat put together, immediately, so that these allocated funds may be used to get the process off the ground before we lose them. After all, a lot of staff and Commission time has been spent already on this effort.

Director Iglesias replied that he would talk with the folks in the Controller's office and receive their recommendations to move things along within the next two weeks.

Deputy Director Ordikhani added that we could make a final request at the end of the year depending on where our budget seems, considering our current expenditures, we are the model department across the City right now about money management. Based on that, we may be able to deposit a request that whatever

sources are left in that general fund allocated pool be carried forward to the next fiscal year. One thing he urged the Commissioners to consider, however, is that even if there is $40,000 that we can use for next fiscal year, it still would not fund the entire process. That is why other sources of funding (i.e. foundations or other places) could become critical. The fact is that, for next fiscal year from a budgetary perspective, they have denied the request for this.

No action was taken on this discussion since it is merely an update. At this time, there is no Strategic Planning meeting scheduled. Chair Baghdadi proposed that the Strategic Plan Subcommittee meet and that an invitation be extended to all Commissioners who are on it as well as the alternates so that there is an opportunity for all to express their opinions about the best ways to go about this.

Commissioner Richardson agreed with Chair Bahdadi's comments that we need to use the money well.

11. Introduction of HRC Summer Interns
Angeline Barrios
Khristina Borjas
Alana Chazan
Annick Persinger
Devon Phelps
Discussion Item

Director Iglesias asked that each Intern introduce themselves and provide the forum with some background on their education. He stated that they will be with the Human Rights Commission for the summer, free of charge, which shows quite a commitment on their part. Lastly, he stated that all are extremely talented.

Ms. Angeline Barrios stated that she is a second-year law student at Golden Gate University. She is assigned to the Certification Unit and is very happy to be with us.

Ms. Khristina Borjas is a first year law student at the University of San Francisco. She is assigned to the LGBT/HIV division and is very pleased to be with us.

Ms. Alana Chazan just finished her second year of law school at the CUNY School of Law (City University of New York) and is also a graduate with a Master's Degree from New School for Social Research at UC Santa Cruz. She is assigned to the LGBT/HIV division.

Ms. Annick Persinger will be a second-year law student at UC Hastings and is assigned to the LGBT/HIV division.

Ms. Devon Phelps attends the University of San Francisco's School of Law and is assigned to the Certification Unit.

Chair Baghdadi expressed his sincere appreciation on behalf of himself and the entire Commission for their hard work and dedication to helping people because that is what we do.

REGULAR BUSINESS

13. **Presentation on Human Trafficking**
Discussion on General Trends in Human Trafficking and Specific Cases in San Francisco and the Bay Area. Speakers will also discuss efforts taken to prevent trafficking and identify victims of trafficking and the social, medical, and legal needs of victims of trafficking.
Presenter: Hediana Utarti and Orchid Pusey (Asian Women's Shelter)
Discussion Item

Ms. Utarti and Pusey, of the Asian Anti Trafficking Collaborate (AATC), the only agency and collaborative in Northern California, that provides comprehensive services to people who have been trafficked people from throughout the world. AATC consists of three agencies: Asian and Pacific Islander Legal Outreach (provides mostly legal services); the Asian Women's Shelter (provides shelter, interpretation, and case work); and Cameron House America (provides case work for trafficked clients).

Human trafficking is the fastest growing criminal enterprise in the world right now and the third most profitable and comes after drugs and arms sales. There are tons of numbers that fly around in terms of statistics for human trafficking and they do not cling to any one as being absolutely correct; there are issues with all of them. However, the UN estimates that about 4 million people are trafficked worldwide, each year, and that more than half are children.

The legal definition of trafficking is the recruitment, the harboring, transporting, providing, or obtaining of any person for labor or services including forced labor, slavery, or servitude in any industry.

A couple of stories, from people that they've actually serviced here in the Bay Area, were shared:

1. Nina came to San Francisco two years ago as a domestic worker for a friend of her third cousin. She and her husband had a one-year old baby and her job was to take care of the baby every day while they were at work. They

promised to pay her $300/per month that she could send back to the Philippines for her children. She had a small bedroom, next to the garage, a small space heater and a radio. She started working at 5:00 a.m. with breakfast and finished her work around midnight. She went to church every two weeks, otherwise she stayed home with the baby and took care of the house.

They allowed her to call her children in the Philippines, twice a year (once during Christmas and the other on Easter). After six months, they started to pay her only $200/per month because they said she did not do a good job. After a year and a half of working for them, she wanted to leave and they wouldn't allow her. She couldn't say or do anything because they held her passport. She wanted to run away but didn't know where to go because she didn't know anyone. Then, they allowed her to attend church only once a month. She finally escaped with the help of a fellow church member whom I said hi to every once in a while.

2. Tommy is a human trafficking victim, who recently turned 14. When he was eleven years old, he was sent by his family to live with his aunt in the Bay Area where he was forced to work in the aunt's cleaning company for no pay. While other boys his age were playing in Little League, watching Power Rangers, or going to birthday parties and eating fries and burgers, Tommy was scrubbing bathroom toilets with his bare hands, was being beaten so brutally that he lost hearing in one year, and was at times eating dry dog food from a bucket.

   He was finally found by the police after a neighbor saw him tied up in the backyard of the family's house and called 911. Tommy gained ten pounds in just one week in his foster care home and he's going to school.

They shared these stories to illustrate actual life experiences of people in the Bay Area who are forced to work and who are treated or told they are criminals and illegal immigrants who have no access to their personal documents or earnings (if they have any) who are extremely isolated and who have limited education or access about the rights and resources that are afforded to them by local, state and federal laws and to local community based organizations and NGOs that can help them seek support and safety.

The work of the AATC represents women and children who work in diverse industries beyond domestic household labor and is usually presented by the media as just being in the sex industry.

These individuals are forced to work without days off, are cut off from health care due to illness or injured. They are denied communication with their family and support network. Their organization has seen a level of exploitation that is really garish and that makes it often very difficult for them to trust again - including advocates. Their successful transition to gaining basic safety and to gaining lawful immigration status and to emotionally and economically rebuilding their lives toward a safe and stable life, it takes a long time and expanded and diverse support.

After a client is referred to AATC, the client needs safe and quality interpretation by people who understand the issue. They need comprehensive case management, which includes mental health counseling, legal representation, protective orders, custody order, social services, emergency services, criminal justice system, civil suits, and transitional, as well as life skills (bank, public transportation, job training, etc.). They also require long-term housing because the shelter can only serve them for 3-4 months.

AATC has provided comprehensive services to 278 trafficked people since 2001. Right now, they have 21 current/active trafficking cases as of June 9, 2008. More than half of the trafficked people into the U.S. and California are Asian. Additionally, clients are trafficked from all over the world (26 different languages). They can provide services in over 30 languages. They've also been able to retain immigration relief for 97% of their clients. Even though the federal government has T Visa allotted and says there's a cap, in terms of the number of T Visas that can be granted every year, the number has been really low. A T Visa is a specific 3-year Visa for survivors of trafficking but you have to be able to prove that you are a severe victim of trafficking; you have to prove that you would be in danger if you had to return; you also have to work together with law enforcement to go through a harsh process.

The Asian and Pacific Islander Legal Outreach has had a 100% success in obtaining relief for clients who've decided to pursue lawsuits against their traffickers for damages.

AATC is also very involved in outreach and education through collaboration with the U.S. Attorney's Office, the Mayor's Office, local and federal law enforcement, and the greater Bay Area in Human Trafficking Task Force. AATC has trained a total of 393 law enforcement officers and since 2001, have trained 3,000 federal, state, and local enforcement agents.

Multimedia components have been used on the radio, print through interviews, brochures, postures, print media, etc.

AATC is grateful for a potential collaboration with the Human Rights Commission.

In closing, Ms. Hediana Utarti and Ms. Orchid Pusey asked the Commission and the audience to keep human trafficking on its mind as it goes through its every day life. While attention has finally been given to domestic violence, the issue of human trafficking is sadly lacking behind. They also encouraged the Commissioners to remain in touch with them and to provide any assistance within its power.

Commissioner Mark Dunlop asked for a more detailed explanation of what type of prevention and collaboration is required. Ms. Pusey stated that prevention is hard to do because they often hear about abuses after the fact. Prevention, today, means raising awareness through communication and education.

Commissioner Linda Richardson asked what happens to the traffickers. Do they get prosecuted? Are their prosecutions known? Ms. Pusey indicated that the federal cases which are prosecuted get more attention, while the domestic cases do not receive much support. If someone is accused of force and coercion, the Feds tend to get involved.

Commissioner Dunlop asked if there have been any public hearings before any other City agency regarding the issue of human trafficking and the response was not to their knowledge.

Commissioner Mohajer stated that the stories shared were best case scenarios. This is a $2B/year industry and the majority of people trafficked are for prostitution. Because the first point of contact made with the victims (e.g. ICE) are not aware of the particular details so the victims are often treated like criminals and placed in custody rather than in shelters. Commissioner Mohajer encouraged the AATC to educate those who have first contact with the victims.

The Commissioners unanimously expressed their appreciation and support of the work that AATC is doing.

14. **Issues Advisory Committee**
Consideration and approval of use of the HRC Commission regular meeting chambers and time for Thursday, October 23, 2008 and November 13, 2008 for Public Hearings on "Disparities in San Francisco High School Graduation Rates."
Presenter: Commissioner Sandy Sohcot
Discussion Item/Action Item

Commissioner Sohcot and the Issues Committee have been preparing for a public hearing on "Disparities in San Francisco High School Graduation Rates" as a human rights issue. The Committee needs to be able to schedule the public hearing dates

in order to proceed. Therefore, the request is that two dates be set aside. The dates they are requesting are Thursday, October 23, 2008 and Thursday, November 13, 2008.

The overall objectives are to identify why education is a human rights issue; why this issue affects the broader population in terms of the impact of high school graduation rates and people not having that access. As we know from our demographic reports and all accepted statistics that there is extreme disparity in high school graduation rates among African American, Latino, and Pacific Islander populations. There is no dispute of this disparity and San Francisco has the highest disparity even though our actual performance in public schools is the highest in the State, the gap in high school graduation rates among African American, Latino, and Pacific Islander are the highest. We want to explore and raise awareness as to why this affects the broader population, understand what the issues are that affect these gaps, what the school district is doing to address them, and how as an overall community we can support the school district.

The San Francisco Unified School District is very grateful that the Human Rights Commission has taken this issue on because they need the help. Commissioner Sohcot has been working with Dr. Anthony (Tony) Smith will serve as Deputy Superintendent for Instruction, Innovation and Social Justice.

Commissioner Michael Sweet thanked Commissioner Sohcot for her report and gave special commendation to her for all her work and support. This idea was hers and she has been plowing forward, in a significant way, to get people to pay attention. Another step to get this on people's radar is to hold a public hearing. The Advisory Committee is putting together a terrific list of guest speakers (about 7 about this time). He encouraged other members of the Commission to become involved. Commissioner Sweet believes this is an important direction for the Commission to be involved with.

A report will be generated that will encompass recommendations, with the support of the School District.

Commissioner Richardson thanked Commissioner Sohcot for her leadership on this issue and reminded her to invite Dr. James Calloway, who is a leader in the African American community. He will be invited.

A vote was taken to approve the motion to use the HRC Commission regular meeting chambers and time for Thursday, October 23, 2008 and November 13, 2008 for Public Hearings on "Disparities in San Francisco High School Graduation Rates", which was passed.

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

Commissioner Richardson asked that the issue of immigration raids, in the greater Bay Area, be agendized at a future meeting. San Francisco is a sanctuary city and needs to be involved in this issue. We should collaborate with the Immigrants Rights Commission to join this discussion. A lot of people around town have been asking what the Human Rights Commission is doing about this human rights issue. Other cities have been taking measures to speak up about it.

Commissioner Cecilia Chung stated that there is an increase in hate-related violence across the country with a rise in hate crimes in San Francisco. She proposed that we invite someone to speak before the Commission at a future meeting.

Commissioner Sohcot, speaking on behalf of Commissioners Dunlop, Richardson, and herself, stated that they met today to speak about the election process for Commission officers. She suggested that they be able to report on their progress related to the election at the next regular meeting. The nominations for officers are due in August and the elections will proceed on September 11, 2008.

16. Adjournment

With no further business to address, Chair Baghdadi adjourned the Commission Meeting at 6:30 p.m.

RESPECTFULLY SUBMITTED BY: Deborah Lucero