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**CITY OF CAMBRIDGE**

Office of the City Solicitor  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

February 28, 2022

Louis A. DePasquale  
City Manager  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

***Re: Response to Awaiting Report No. 21-42 Re: Report on reviewing Cambridge's corporate contracts and purchases to identify any vendors or manufacturers whose products are used to perpetuate violations of International Human Rights Laws and Cambridge's policy on discrimination.***

Dear Mr. DePasquale:

We have prepared this memorandum in response to the above-referenced Awaiting Report, No. 21-42, Policy Order No. 6 of May 17, 2021, as amended May 25, 2021 ("Council Order") in consultation with Purchasing Agent Elizabeth Unger. The Council Order requests the City Manager to: "work with the Purchasing Department to review Cambridge's corporate contracts and purchases to identify any vendors or manufacturers whose products are used to perpetuate violations of International Human Rights Laws and Cambridge's policy on discrimination."

We recently spoke with Purchasing Agent Unger regarding the request posed in the Council Order. In response, Ms. Unger provided information regarding purchase orders for the City of Cambridge. She explained that the City issues an estimated 10,000 to 12,000 purchase orders each fiscal year. In the current fiscal year, as of February 1, 2022, the City processed 3,279 purchase orders for the School Department and 5,113 purchase orders for all other City departments.

Given the number of purchase orders, it is not feasible to review each procurement to determine whether the vendor(s) or the product(s) are "used to perpetuate violations of International Human Rights Laws and Cambridge's policy on discrimination."

Additionally, even if it were feasible to individually review these thousands of purchase orders, we would need more clarification from the Council on the definition of "International

Human Rights Laws” in order to undertake such a review. The United Nations recognized nine core international human rights treaties: (1) International Convention on the Elimination of All Forms of Racial Discrimination; (2) International Covenant on Civil and Political Rights; (3) International Covenant on Economic, Social and Cultural Rights; (4) Convention on the Elimination of All Forms of Discrimination against Women; (5) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (6) Convention on the Rights of the Child; (7) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; (8) International Convention for the Protection of All Persons from Enforced Disappearance; and (9) Convention on the Rights of Persons with Disabilities.<sup>1</sup>

Each of the above-named treaties is monitored by different bodies. Further, some of the above-named treaties are supplemented by optional protocols, which include: (1) Optional Protocol to the Covenant on Economic, Social and Cultural Rights; (2) Optional Protocol to the International Covenant on Civil and Political Rights; (3) Second Optional Protocol to the International Covenant on Civil and Political Rights; (4) Optional Protocol to the Convention on the Elimination of Discrimination against Women; (5) Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; (6) Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; (7) Optional Protocol to the Convention on the Rights of the Child on a communications procedure; (8) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and (9) Optional Protocol to the Convention on the Rights of Persons with Disabilities.<sup>2</sup>

In addition to the above-named treaties and optional protocols, the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two optional protocols, and the International Covenant on Economic, Social and Cultural Rights form the “International Bill of Human Rights.”<sup>3</sup>

Further, there are numerous other international bodies and instruments of universal human rights, such as the World Conference of Human Rights, which adopted the Vienna Declaration and Programme of Action in 1993; the International Labour Organisation which adopted the Right to Organise and Collective Bargaining in 1951; the Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity adopted by the U.N. General Assembly in 1973; and the Geneva Convention, which adopted numerous conventions related to the treatment of civilians and prisons in times of war.<sup>4</sup>

Accordingly, without additional information specifying which vendor(s) or product(s) the Council wishes us to review, and which international laws relating to human rights the Council wishes us to consider in any such review “to identify any vendors or manufacturers whose products are used to perpetuate violations of International Human Rights Laws and Cambridge’s

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<sup>1</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

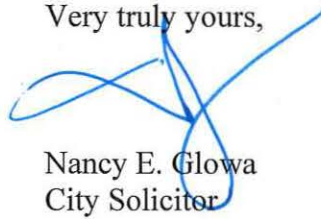
<sup>2</sup> Id.

<sup>3</sup> <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>

<sup>4</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

policy on discrimination” would not be feasible. An additional difficulty to note is that the City is not equipped to make adjudications based on mere allegations of such violations.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Nancy E. Glowa', is written over the typed name and title.

Nancy E. Glowa  
City Solicitor