

**Human Rights Recommendations
to the United States:
A Desk Reference for State and Local
Human Rights Agencies**

Prepared by the Columbia Law School Human Rights Institute
for the International Association of Official Human Rights Agencies

April 2016

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Columbia Law School Human Rights Institute

The Human Rights Institute sits at the heart of human rights teaching, practice, and scholarship at Columbia Law School. Founded in 1998 by the late Professor Louis Henkin, the Institute draws on the Law School's deep human rights tradition to support and influence human rights practice in the United States and throughout the world. The Institute focuses its work in three main substantive areas: Counterterrorism, Armed Conflict and Human Rights; Human Rights in the United States; and Human Rights in the Global Economy. We have developed distinct approaches to our work, building bridges between scholarship and activism, developing capacity within the legal community, engaging governments, and modeling new strategies for progress.

The Institute's Human Rights in the U.S. Project builds the capacity of state and local agencies and officials to incorporate a human rights framework into their daily work. The Institute develops resources on human rights standards and strategies, partners with state and local governments, and advocates for federal coordination and support for state and local human rights implementation.

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Introduction

State and local human rights and human relations agencies play a pivotal role in promoting and protecting human rights across the country. Indeed, state and local agencies work on a daily basis to foster equality and eradicate discrimination. Through education, monitoring, and addressing human rights issues, they ensure the ability of the United States to make human rights a reality in local communities.

To assist state and local agencies in doing this work, this resource distills the core human rights principles that fall under the jurisdiction of many state and local agencies, and offers guidance to strengthen the culture of human rights here at home.

This resource draws from the standards in human rights treaties ratified by the United States. These treaties address discrimination in a range of areas, including housing, employment, and criminal justice, and address the rights of children as well. For each of these areas, the resource distills recommendations made to the U.S. during reviews of the U.S. human rights record between 2013 and 2015. Collectively, these reviews offer guidance on ways in which the United States can strengthen law, policy, and practice to enhance human rights protections.

Notably, this resource builds on a [2011 toolkit for state and local agencies](#), which describes United Nations standards related to housing, employment, and racial profiling, and provides concrete recommendations for how state and local agencies can address these issues. Together, these publications offer a comprehensive picture of the relationship between state and local agencies and U.S. compliance with international human rights standards.

Human Rights

Human rights are internationally-accepted norms and values that recognize and promote dignity, fairness, and opportunity for all people and enable individuals to meet their basic needs. These norms recognize the inherent interrelationship between civil, political, social, economic, and cultural rights. Furthermore, a human rights framework places an affirmative obligation on governments to respect, protect, and fulfill these rights.

A number of international human rights treaties define and detail human rights obligations in particular subject areas—including, for example, the right to be free from racial discrimination, the rights of children, and civil and political rights—and establish mechanisms to oversee their implementation. The United States has ratified three of the core international human rights treaties:

- the International Covenant on Civil and Political Rights (“[ICCPR](#)”),
- the Convention on the Elimination of All Forms of Racial Discrimination (“[CERD](#)”), and
- the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (“[CAT](#)”).

The U.S. has also ratified the two Optional Protocols to the Convention on the Rights of the Child (“[CRC](#)”), which address treatment of children in armed conflict and the sale of children, child prostitution, and child pornography. However, the U.S. has not yet ratified the CRC, the comprehensive international human rights agreement on children’s rights.

The Key Role of State and Local Agencies and Officials in Advancing Human Rights

Consistent with U.S. federalism, international law anticipates that the federal government may delegate implementation of human rights to states and localities. When ratifying human rights treaties, the United States has affirmed the critical role of state and local governments in their implementation, indicating that the federal government shares responsibility for human rights implementation with state and local authorities. Specifically, the United States has stated that the international human rights agreements it has acceded to

shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the [agreements].¹

While the federal government remains internationally responsible for ensuring compliance with U.S. human rights obligations and commitments, day-to-day implementation is shared among federal, state, and local governments.

U.S. federal officials acknowledge that comprehensive and effective human rights implementation and monitoring requires the participation of state and local agencies and officials. Mary McLeod, the U.S. State Department's former Acting Legal Adviser, has emphasized that state and local actors are vital to fulfilling human rights. Speaking to state officials in 2015, she noted that state and local agencies and officials "are, truly, at the frontlines," and that their efforts "to protect individuals against discrimination, reduce racial disparities in education or housing, or prosecute those exploiting children, [help] fulfill our country's human rights obligations."²

State and local agencies and officials can, and do, use a range of innovative strategies that advance human rights and build a culture of human rights based on dignity, freedom from discrimination, and opportunity. Specifically, state and local agencies and officials are well-placed to:

- Monitor, document, and report on human rights
- Build human rights into local law and policy
- Conduct human rights-based audits and impact assessments
- Foster participatory governance
- Engage in human rights education

For example, in 2014, the Tennessee Human Rights Commission held a series of hearings around the state to gather testimony and data on human rights and civil rights issues relevant to local communities. The Commission framed the conversation around the Universal Declaration of Human Rights. Following

the hearings, the Commission drafted a report to distill the testimony from around the state, and it plans to use the report as a basis for shaping its work and priorities moving forward.³

The Eugene, Oregon Human Rights Commission has played an important role in the city's efforts to assess human rights impacts of proposed policies through the "Triple Bottom Line" tool. The Commission has conducted trainings regarding the tool and also facilitates community events and consultations to support implementation.⁴ The Recreation Department used the tool to review budgets and minimize the impact of resource constraints on core services and accessibility, and the Community Development Division used it to prioritize brownfield assessments. The Commission has also provided education on human rights standards and issues for city executives, managers, and staff, and has undertaken robust community outreach to raise awareness of the potential for an international human rights framework to advance the equality and dignity of local residents.⁵

In Salt Lake City, Utah, the Human Rights Commission, the Mayor's Office, and the City Council have worked together to address discrimination. They held a series of dialogues on gender discrimination that revealed concerns about unequal educational opportunities and employment discrimination. In response, the Commission and its partners are currently exploring the possibility of adopting the international human rights treaty on women's rights ([CEDAW](#)) at the local level.⁶

In 2015, the Illinois Department of Human Rights embarked on a study to develop recommendations regarding best practices to prevent discrimination and promote diversity and inclusion in a number of areas, including employment, housing, and education.⁷

These are just a few of the ways state and local agencies promote and protect human rights at the local level.

"State, local, and tribal officials are normally the closest authorities to the people they serve. They are often best positioned to solve problems, and they are often directly accountable to local populations.

Moreover, different levels of government in our federal system have been described as laboratories of democracy, because they may develop and test different and creative solutions. Where their solutions work well, these best practices may be shared and emulated elsewhere."

- Keith Harper, U.S. Ambassador to the U.N. Human Rights Council⁸

Periodic Reviews of the U.S. Human Rights Record

As a party to several human rights treaties, and a member of the United Nations, the U.S. undergoes periodic reviews of its human rights record. These reviews are based on the standards set forth in the Universal Declaration of Human Rights (“UDHR”) and the international human rights treaties ratified by the United States: the Covenant on Civil and Political Rights, the Race Convention, and the Convention Against Torture, and two optional protocols to the Convention on the Rights of the Child, as well as additional commitments and obligations.⁹

Compliance with each human rights treaty is monitored by a body of independent human rights experts. When a country ratifies a treaty, it agrees to participate in periodic reviews of its human rights record by the body of experts, and to submit periodic assessments of how its laws and policies advance the treaty standards. The independent experts review a country’s progress based on an official government report, civil society submissions, and publicly-available information. The reviews culminate in the release of Concluding Observations, which summarize what a country has done well, as well as areas of concern, and provide a series of recommendations for strengthening human rights promotion and protection.

In addition, the United Nations Human Rights Council reviews the human rights records of all 193 United Nations Member States once every several years through the Universal Periodic Review process. This mechanism, created in 2006, is meant to provide a country-to-country, peer review mechanism, and a constructive dialogue in which each country can discuss what actions it has taken to fulfill its human rights obligations, and respond to the recommendations from other U.N. members. Like the treaty body reviews, the UPR takes civil society submissions into account and results in a series of recommendations for countries to improve human rights on the ground. At the conclusion of each review, the government reviews the recommendations it receives and decides whether or not to accept them.

Many of the recommendations from the recent reviews of the United States relate to issues that fall within state and local jurisdiction, underscoring that state and local agencies and officials play a critical role in ensuring U.S. compliance with international human rights standards.

Treaty Review Bodies

Treaty	Treaty Review Body
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Committee on the Elimination of Racial Discrimination (CERD Committee)
Convention Against Torture (CAT)	Committee Against Torture
Optional Protocol to the Convention on the Rights of the Child (the CRC) on the Involvement of Children in Armed Conflict	Committee on the Rights of the Child
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography	Committee on the Rights of the Child

Recent Human Rights Recommendations to the U.S.

The remainder of this guide distills key human rights standards and recommendations to the United States. The first section focuses on areas where state and local agencies can strengthen local law, policy, and practice to enhance the enjoyment of human rights in local communities: employment, housing, law enforcement, and children’s rights. The second section distills the recommendations to the U.S. to strengthen human rights protections nationally. These recommendations aim to improve the culture of human rights in the United States, and they call for a more comprehensive approach to human rights promotion and education, greater federal resources and support for state and local actors, and adoption of a more expansive approach to addressing discrimination in all its forms.

Key State and Local Issues

Employment Discrimination

Everyone is entitled to the rights and freedoms contained in the UDHR, including the right to free choice of employment and favorable working conditions, “without distinction of any kind, such as race, colour, sex, language, . . . or other status.”¹⁰ International human rights treaties, including the ICCPR and CERD, contain similarly broad protections against employment discrimination.¹¹

Article 3 of the ICCPR speaks specifically to sex and gender discrimination, calling on governments to ensure equality of men and women,¹² and to take proactive steps to identify and eliminate the factors that perpetuate discrimination.¹³ In line with human rights standards, the definition of discrimination is understood to include “any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, [national or social origin], or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”¹⁴

Article 5 of CERD protects the right to work, which includes safe and fair work conditions, and the rights to unemployment protections, equal pay for equal work, as well as fair pay, regardless of race, origin, or color.¹⁵ The CERD further calls on governments to undertake measures to prevent discrimination against non-citizens, and to address practices and policies that may have a discriminatory impact.¹⁶ Employment discrimination has also historically been a focus of reviews of U.S. compliance with CERD and the ICCPR.¹⁷

During the 2015 UPR, a number of countries called on the U.S. to improve gender equality in the workplace, including through measures to eliminate pay inequity between men and women.¹⁸ The United States supported these recommendations, while noting that the U.S. already has some laws in place to foster gender equality at work, including federal level executive orders aimed at ensuring fair pay for women.¹⁹

Housing Discrimination

The UDHR states that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, [and] housing”²⁰ A number of treaties grant similar protections.²¹ There is a general understanding that housing is the foundation for many other fundamental rights including the rights to family, food and water, education, and physical and mental health. Both CERD and the ICCPR obligate the U.S. to protect against discrimination in housing.²²

Human rights experts have repeatedly raised two housing issues of particular concern: discrimination and criminalization of homeless populations.

Discrimination and Segregation in Housing

In its 2014 review of the U.S., the CERD Committee emphasized concern with persistent discrimination in access to housing, racial segregation, and discriminatory lending practices. The Committee urged the U.S. to expand efforts to address housing discrimination on the basis of race, ethnicity, origin, and color through measures that improve access to affordable housing. Recommendations also focused on the need to strengthen implementation of laws to combat housing discrimination, and to promptly and thoroughly investigate housing discrimination by private actors.²³

During the 2015 UPR, several countries called on the U.S. to eliminate housing discrimination, including through measures that improve access to adequate housing²⁴ and guarantee the right to housing.²⁵ The U.S. supported these recommendations in part and emphasized that the government would “continue to improve our domestic laws and policies to promote access to housing, food, health, and safe drinking water and sanitation, with the aim of decreasing poverty and preventing discrimination.”²⁶

Criminalization of Homelessness

In their 2014 reviews of the U.S., both the CERD Committee and the Human Rights Committee focused on the discriminatory aspects of homelessness, and criminalization in particular. Specifically, the CERD Committee expressed concern at the disproportionate number of racial and ethnic minorities in the U.S. homeless population and the trend of criminalizing basic-life sustaining behavior “through laws that prohibit activities such as loitering, camping, begging and lying down in public spaces.”²⁷ The Human Rights Committee further underscored that criminalization may constitute a form of discrimination, and may rise to the level of “cruel, inhuman or degrading treatment.”²⁸

To address these challenges, the Committees recommended that the U.S. abolish laws and policies that criminalize homelessness, including at the state and local levels; foster cooperation among government officials and communities to identify solutions to homelessness; and offer incentives to states and localities to decriminalize homelessness, including by providing financial resources to local governments “that implement alternatives to criminalization, and withdrawing funding from local authorities that criminalize homelessness.”²⁹

During the 2015 UPR process, the U.S. was also called upon to reduce criminalization of homelessness.³⁰ The U.S. accepted this recommendation in part and acknowledged a commitment to support laws and

policies that foster alternatives to criminalizing homelessness.³¹ These U.N. recommendations are in line with IAOHRA's 2013 passage of a resolution discouraging measures that criminalize homelessness.³²

Since the reviews, the federal government has taken a number of steps in line with U.N. recommendations regarding criminalization of homelessness. For example, the Department of Housing and Urban Development now provides funding incentives to support efforts to reduce criminalization, and the Department of Justice intervened in a lawsuit to oppose a local anti-camping statute in Boise, Idaho, arguing that the law unconstitutionally punishes people for being homeless by making it a crime to sleep in public places.³³

Law Enforcement and Discrimination

Under the UDHR, everyone has the right to “life, liberty, and security of person,”³⁴ and no one shall be subjected to “torture or to cruel, inhuman or degrading treatment or punishment,”³⁵ or to arbitrary arrest or detention.³⁶ As noted above, these rights apply to all, regardless of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³⁷

Article 5 of CERD requires governments to guard against discrimination in the enjoyment of the rights to protection from bodily harm and to security of person.³⁸ Human rights experts have clarified that these protections apply equally in the context of national security and that measures to combat terrorism should not discriminate on these grounds, and that non-citizens should not be “subjected to racial or ethnic profiling or stereotyping.”³⁹ The ICCPR protects the rights to life,⁴⁰ to security of person,⁴¹ and to be free from torture and from cruel, inhuman or degrading treatment or punishment,⁴² as well as the right to be free from discrimination in the enjoyment of each of these rights.⁴³ The CAT further prohibits torture⁴⁴ and calls for “effective legislative, administrative, judicial or other measures to prevent acts of torture.”⁴⁵

During reviews of the U.S. human rights record, both profiling of communities of color and excessive use of force have been a consistent focus. U.N. human rights reviews have also addressed the causes and consequences of gun violence, as well as local laws that may hinder accountability for violence, such as Stand Your Ground laws. The need to improve the capacity of local law enforcement to effectively interface with local communities has also been raised.

Profiling

Both the CERD Committee and the Human Rights Committee raised concern about profiling by law enforcement and urged the U.S. to expand and intensify its current efforts to combat racial profiling, including by state and local law enforcement personnel.⁴⁶ The Committees called on the United States to improve training for state and local law enforcement personnel,⁴⁷ abolish “stop and frisk” programs,⁴⁸ prohibit racial profiling,⁴⁹ and effectively investigate allegations of profiling.⁵⁰

The Human Rights Committee also expressed concern at racial disparities in the criminal justice system, including sentencing disparities and the overrepresentation of racial and ethnic minorities in prisons,

and recommended that the U.S. amend the federal, state, and local regulations that create these outcomes.⁵¹

During the UPR process, nearly twenty countries recommended that the U.S. take steps to address profiling in law enforcement,⁵² echoing prior recommendations. The U.S. supported these recommendations for the most part, while noting that the Constitution and federal policy prohibit profiling on racial, ethnic, national origin, or religious grounds and that a patchwork of laws at the federal, state, and tribal level aim to combat discrimination in this area.⁵³

Excessive Use of Force

In their 2014 reviews of the U.S., the CERD Committee, the Human Rights Committee, and the Committee Against Torture expressed concern regarding excessive use of force in policing, and particularly its disparate impact on minorities.⁵⁴ The Committee Against Torture also called attention to “the frequent and recurrent shootings . . . of unarmed black individuals”⁵⁵ as well as the lack of statistical data and information on allegations of police brutality and investigations in response to those allegations.⁵⁶ The Committees recommended that the U.S. address the problem of excessive use of force by law enforcement officials, specifically through more accurate reporting of the incidents of use of force, prosecution of offenders, and compensation for victims and their families.⁵⁷

The Committee Against Torture also addressed the use of electrical discharge weapons (Tasers), expressing particular concern at their use against unarmed individuals, and the number of deaths reportedly following Taser use. The Committee urged the U.S. to provide more stringent training and regulations on the use of Tasers.⁵⁸

Nearly thirty countries made recommendations to the United States during the 2015 UPR process regarding excessive use of force in policing.⁵⁹ The U.S. supported or supported, in part, all of these recommendations.⁶⁰

Gun Violence and Stand Your Ground Laws

The CERD Committee and the Human Rights Committee expressed concern regarding Stand Your Ground laws as well as the high number of deaths and injuries resulting from gun violence, and particularly their disproportionate impact on minorities.⁶¹ The Committees urged strict enforcement of gun control laws as well as additional measures to reduce gun violence, including through more background checks, greater prohibitions on concealed weapons, and increased “transparency concerning gun use in crime and illegal gun sales.”⁶² Both Committees urged the U.S. to amend Stand Your Ground laws to “remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality” in laws addressing deadly force as self-defense.⁶³

Training and Police-Community Relations

In its 2014 review of the U.S., the Committee Against Torture expressed concern that law enforcement training programs were ineffective in preventing torture and ill-treatment. The Committee recommended that the U.S. improve training programs to acquaint public servants, including law enforcement officers and medical personnel, with human rights protections outlined in the Convention Against Torture to ensure proper identification of cases of torture and ill-treatment, as well as to assess

the effectiveness of such training programs in reducing the incidence of torture and ill-treatment.⁶⁴ As noted in the Housing Discrimination section above, U.N. human rights bodies have also called for measures to address the criminalization of homelessness, which touches upon both housing and law enforcement, and has a clear impact on police-community relations.

During the 2015 UPR, the U.S. received additional recommendations to improve training for law enforcement officers⁶⁵ and to strengthen police-community relations.⁶⁶ The U.S. supported or supported in part all of these recommendations, noting some positive steps in this area, including the 2014 creation of a Presidential Task Force on 21st-Century Policing focused on police-community relations.⁶⁷

Children's Rights

In its 2013 review of U.S. compliance with the Optional Protocols to the CRC, the Committee on the Rights of the Child offered a number of recommendations regarding state and local law and policy.

The Committee called on federal, state, and local actors to work together to harmonize legal protections for children. This includes ensuring that laws at all levels define “child” consistently to ensure adequate protection for youth up to the age of 18,⁶⁸ and that federal and state laws criminalize the sale of children.⁶⁹ The Committee also urged states to pass safe-harbor laws to protect prostituted children from arrest, detention, and prosecution.⁷⁰

To ensure that children's human rights are respected and protected, the Committee urged states to establish independent mechanisms, such as a child advocate or ombudsman, to monitor and address allegations that children's rights have been violated. The Committee recognized that several states already have such mechanisms and emphasized the importance of ensuring that an agency tasked with monitoring children's rights has a broad mandate and is fully independent.⁷¹

Building a Culture of Human Rights

In addition to the substantive areas discussed above, human rights reviews of the U.S. have identified a number of important structural avenues to improve human rights protections in the United States. Recommendations to the U.S. have consistently focused on the need for a more robust human rights architecture, including funding for human rights monitoring, human rights awareness-raising, and a legal and policy framework that addresses intentional and unintentional discrimination at the state, local, and federal levels.

Federal Support for State and Local Human Rights Work

The United States consistently notes that “international human rights obligations are implemented through a comprehensive system of laws and policies at all levels of government,” and that the federal government is “taking steps to strengthen federal-level coordination, and . . . considering ways to improve implementation.”⁷²

Human rights experts have, however, found that the current human rights infrastructure is insufficient. To address these gaps, they have called on the U.S. to:

- strengthen and expand existing mechanisms to monitor human rights implementation at the federal, state, and local levels;⁷³
- provide sufficient funds for human rights monitoring and implementation at all levels of government;⁷⁴ and
- develop a more comprehensive approach to human rights promotion and protection, including through the creation of a national human rights institution.⁷⁵

During the UPR, the U.S. again received a recommendation to take action to bolster human rights coordination at the federal, state, and local levels.⁷⁶ The U.S. supported the recommendation in part.⁷⁷

Enhanced Human Rights Education

Human rights experts have repeatedly called on the U.S. to widely disseminate and publicize the Concluding Observations from the reviews,⁷⁸ and the need for increased public education around treaty obligations and recommendations is included in the Race Convention itself.⁷⁹ Indeed, for the first time, the State Department did disseminate the Concluding Observations from the ICCPR, CERD, and CAT reviews in 2015.⁸⁰ During the UPR process, U.N. Member States further encouraged the U.S. to strengthen its training and awareness-raising activities relating to human rights and racial discrimination, including, as noted above, for law enforcement officers,⁸¹ as well as more broadly.⁸² The U.S. indicated support for these recommendations.⁸³

Addressing Discrimination in All Its Forms

According to the human rights framework, discrimination is defined as any distinction, exclusion, or restriction that has the purpose *or effect* of infringing on a person's equal enjoyment of their rights.⁸⁴ This definition is broader than the one typically recognized in U.S. constitutional law, and calls for a more proactive approach to identifying and addressing laws and policies that cause or perpetuate discrimination, regardless of intent.

In its 2014 review of the U.S., the CERD Committee noted that U.S. law was not consistent with CERD provisions, which require governments “to prohibit and eliminate racial discrimination in all its forms, including practices and legislation that may not be discriminatory in purpose, but are discriminatory in effect.”⁸⁵ Accordingly, the Committee called on the U.S. to take steps at the federal and state level to prohibit all forms of racial discrimination, including indirect discrimination,⁸⁶ a recommendation that was echoed during the 2015 UPR.⁸⁷

Implementing Human Rights Recommendations in Practice

State and local human rights and human relations agencies can and do play a vital role in helping the United States fulfill the promise of human rights at the local level through efforts to address discrimination, foster equality, and improve policy outcomes for all community members. State and local agencies can continue to strengthen human rights protections by incorporating human rights standards, and recommendations from human rights experts, into efforts to monitor, document, and report on human rights issues; engaging in human rights education; building human rights into local law and policy; conducting human rights assessments of local policies; and fostering participatory governance.

This resource describes several examples of ways that state and local agencies and other officials can engage human rights to advance their work. The Columbia Law School Human Rights Institute has previously detailed additional strategies and examples in the following publications:

- [Bringing Human Rights Home: The Birmingham Mayor’s Office Human Rights Dialogue \(2015\)](#)
- [Using Human Rights Assessments in Local Governance: A Toolkit for State and Local Human Rights and Human Relations Commissions \(2014\)](#)
- [Closing the Gap: The Federal Role in Respecting and Ensuring Human Rights at the State and Local Level \(2013\)](#)
- [Bringing Human Rights Home: How State and Local Governments Can Use Human Rights to Advance Local Policy \(2012\)](#)
- [Implementing Recommendations from the Universal Periodic Review: A Toolkit for State & Local Human Rights & Human Relations Commissions \(2011\)](#)
- [State and Local Human Rights Agencies: Recommendations for Advancing Opportunity and Equality Through an International Human Rights Framework \(2010\)](#)

Recent reviews of the U.S. human rights record offer a range of recommendations to advance human rights protections within the United States, and state and local human rights and human relations agencies are critical to bringing these recommendations home. By continuing to incorporate human rights principles and strategies into their work, state and local agencies help to ensure the human rights of equality, dignity, and opportunity are a reality for all community members.

Endnotes

- ¹ 138 Cong. Rec. 8068, 8071 (1992) (understanding for the ICCPR).
- ² Mary McLeod, Acting Legal Adviser, U.S. Department of State, “The Role of State, Territorial, and Local Government in Promoting, Respecting, and Defending Human Rights,” Remarks at the National Association of Attorneys General National Conference (Feb. 25, 2015), available at <http://www.state.gov/s/l/releases/remarks/239960.htm>.
- ³ Tennessee Human Rights Commission, *The Status of Human Rights in Tennessee* (2014), at https://www.tn.gov/assets/entities/humanrights/attachments/FINAL_The_Status_of_Human_Rights_in_Tennessee_11.21.14.pdf.
- ⁴ For more information, see Columbia Law School, Human Rights Institute, *Using Human Rights Assessments in Local Governance* (2014), available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/iaohra_toolkit_9.11.14_reduced.pdf.
- ⁵ Columbia Law School, Human Rights Institute & International Association of Official Human Rights Agencies, *Closing the Gap: The Federal Role in Respecting & Ensuring Human Rights at the State and Local Level* 56 (2013), available at <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20%28ecopy%29.pdf>.
- ⁶ Columbia Law School, Human Rights Institute, *Bringing Human Rights Home: How State and Local Governments Can Use Human Rights to Advance Local Policy* 20 (2012), available at <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/Bringing%20Human%20Rights%20Home.pdf>.
- ⁷ Press Release, Illinois Department of Human Rights, Illinois Department of Human Rights Releases Interim Report on Statewide Discrimination Study (Feb. 4, 2016), available at <http://www3.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=2&RecNum=13481>.
- ⁸ Keith Harper, U.S. Ambassador to the U.N. Human Rights Council, Remarks Delivered at the Universal Periodic Review of the United States (Sept. 24, 2015), available at <https://geneva.usmission.gov/2015/09/24/ambassador-harper-im-very-proud-to-be-before-you-today-for-the-adoption-of-the-second-upr-of-the-united-states/>.
- ⁹ Each is described in greater detail in our earlier publication: Columbia Law School, Human Rights Institute, *Implementing Recommendations from the Universal Periodic Review* (2011), available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/UPR%20Toolkit_0.pdf.
- ¹⁰ Universal Declaration of Human Rights, U.N. GAOR, 3d Sess., art. 2, U.N. Doc. A/810 (1948) [hereinafter UDHR].
- ¹¹ International Covenant on Civil and Political Rights arts. 2, 26, adopted Dec. 16, 1966, S. Exec. Doc. E, 95-2 (1978), 999 U.N.T.S. 171 [hereinafter ICCPR]; International Convention on the Elimination of All Forms of Racial Discrimination art. 5(e)(i), opened for signature Mar. 7, 1966, 1966 U.S.T. 521, 660 U.N.T.S. 195 [hereinafter CERD]. See also Convention on the Rights of the Child art. 2, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter CRC]; Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. The Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) is the most comprehensive treaty addressing sex and gender discrimination. However, the U.S. has only signed, not ratified it. Of particular relevance are CEDAW’s employment discrimination provisions (article 11), which encompass rights to equal employment opportunities, training, remuneration, benefits, job security, and safe working conditions.
- ¹² ICCPR, *supra* note 11, art. 3.
- ¹³ Human Rights Comm., *General Comment No. 18: Non-Discrimination*, ¶ 10, U.N. Doc. HRI/GEN/1/Rev.1 (Oct. 11, 1989).
- ¹⁴ *Id.* at ¶ 7.
- ¹⁵ CERD, *supra* note 11, art. 5.
- ¹⁶ See, CERD Comm., *General Recommendation No. 30: Discrimination Against Non-Citizens*, ¶¶ 3, 33, 35, U.N. Doc. A/59/18 at 93 (2004) [hereinafter CERD Comm., *General Recommendation No. 30*].
- ¹⁷ See Human Rights Comm., *Concluding Observations—United States of America*, ¶¶ 25, 28, U.N. Doc. CCPR/C/USA/CO/3/Rev.1 (Dec. 18, 2006) (expressing concern with employment discrimination, particularly on the basis of sexual orientation, gender, or sex, and calling on the U.S. to ensure there is protection against discrimination based on sex); CERD Comm., *Concluding Observations—United States of America*, ¶ 15, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008) (noting with concern that racial, ethnic, and national minorities faced limited employment opportunities).
- ¹⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review—United States of America*, ¶¶ 176.112, 176.114–17, 176.138, U.N. Doc. A/HRC/30/12 (July 20, 2015) [hereinafter Human Rights Council, *U.S. UPR*].
- ¹⁹ Mission of the U.S. to Geneva, *Appendix to the Addendum to the Report on the Second Universal Periodic Review of the United States of America* 5 (2015) [hereinafter *U.S., Appendix to UPR Addendum*], available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session22/US/AdditionalInfo_US_22session.pdf.
- ²⁰ UDHR, *supra* note 10, art. 25.

- ²¹ See CRC, *supra* note 11, art. 27; International Covenant on Economic, Social and Cultural Rights art. 11, Dec. 16, 1966, 993 U.N.T.S. 3. The U.S. has signed both the CRC and the International Covenant on Economic, Social and Cultural Rights but has not ratified them.
- ²² ICCPR, *supra* note 11, art. 26; Human Rights Comm., *General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant*, ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add. 13 (May 26, 2004); CERD, *supra* note 11, art. 5(e)(iii).
- ²³ CERD Comm., *Concluding Observations—United States of America*, ¶ 13, U.N. Doc. CERD/C/USA/CO/7-9 (Sept. 25, 2014) [hereinafter CERD Comm., *2014 Concluding Observations*].
- ²⁴ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶ 176.124.
- ²⁵ *Id.* at ¶ 176.309.
- ²⁶ Mission of the U.S. to Geneva, *Addendum of the United States of America to the Report of the Working Group on Its Universal Periodic Review*, ¶ 12 (2015) [hereinafter U.S., *UPR Addendum*], available at <https://geneva.usmission.gov/2015/09/01/addendum-of-the-united-states-of-america-to-the-report-of-the-working-group-on-its-universal-periodic-review/>.
- ²⁷ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 12.
- ²⁸ Human Rights Comm., *Concluding Observations—United States of America*, ¶ 19, U.N. Doc. CCPR/C/USA/CO/4 (Apr. 23, 2014) [hereinafter Human Rights Comm., *2014 Concluding Observations*].
- ²⁹ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 12; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 19.
- ³⁰ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶ 176.310.
- ³¹ U.S., *UPR Addendum*, *supra* note 26, at ¶ 12.
- ³² Int'l Assoc. of Official Human Rights Agencies, Res No. 1: Criminalization of Homelessness (Aug. 26, 2013), available at https://www.nlchp.org/documents/IAOHRA_Resolutions_2013.
- ³³ Matthew Doherty, *Incarceration and Homelessness: Breaking the Cycle*, Dispatch, Dec. 2015, http://cops.usdoj.gov/html/dispatch/12-2015/incarceration_and_homelessness.asp.
- ³⁴ UDHR, *supra* note 10, art. 3.
- ³⁵ *Id.* at art. 5.
- ³⁶ *Id.* at art. 9.
- ³⁷ *Id.* at art. 2.
- ³⁸ CERD, *supra* note 11, art. 5(b).
- ³⁹ CERD Comm., *General Recommendation No. 30*, *supra* note 16, at ¶ 10.
- ⁴⁰ ICCPR, *supra* note 11, art. 6(1).
- ⁴¹ *Id.* at art. 9.
- ⁴² *Id.* at art. 7.
- ⁴³ *Id.* at art. 2(1).
- ⁴⁴ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 1, adopted Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85.
- ⁴⁵ *Id.* at art. 2(1).
- ⁴⁶ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 8; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 7.
- ⁴⁷ Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 7.
- ⁴⁸ *Id.*
- ⁴⁹ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 8.
- ⁵⁰ *Id.*
- ⁵¹ Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 6.
- ⁵² Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶¶ 176.121, 176.126, 176.130, 176.140–53, 176.161, 176.220.
- ⁵³ U.S., *UPR Addendum*, *supra* note 26, at ¶¶ 5–6.
- ⁵⁴ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 17; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 11; Comm. Against Torture, *Concluding Observations—United States of America*, ¶ 26, U.N. Doc. CAT/C/USA/CO/3-5 (Dec. 19, 2014) [hereinafter CAT Comm., *2014 Concluding Observations*].
- ⁵⁵ CAT Comm., *2014 Concluding Observations*, *supra* note 54, at ¶ 26.
- ⁵⁶ *Id.* at ¶¶ 26, 27.
- ⁵⁷ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 17; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 11; CAT Comm., *2014 Concluding Observations*, *supra* note 54, at ¶ 26.
- ⁵⁸ CAT Comm., *2014 Concluding Observations*, *supra* note 54, at ¶ 27.
- ⁵⁹ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶¶ 176.139, 176.143–45, 176.148, 176.151, 176.153–60, 176.214–16, 176.219–23, 176.225–27, 176.276–77, 176.287.
- ⁶⁰ U.S., *UPR Addendum*, *supra* note 26, at ¶¶ 5–6.

- ⁶¹ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 16; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 10.
- ⁶² CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 16; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 10.
- ⁶³ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 16; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 10.
- ⁶⁴ CAT Comm., *2014 Concluding Observations*, *supra* note 54, at ¶ 28.
- ⁶⁵ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶¶ 176.73–74, 176.144, 176.221, 176.224.
- ⁶⁶ *Id.* at ¶¶ 176.127–30, 176.225.
- ⁶⁷ U.S., *Appendix to UPR Addendum*, *supra* note 19, at ¶ 5.
- ⁶⁸ Comm. on the Rights of the Child, *Concluding Observations—Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography—United States of America*, ¶¶ 9–10, U.N. Doc. CRC/C/OPSC/USA/CO/2 (July 2, 2013) [hereinafter Comm. on the Rights of the Child, *2013 OPSC Concluding Observations*].
- ⁶⁹ *Id.* at ¶¶ 33–34 (“Federal law does not prohibit the sale of children per se but rather proscribes the sale of children for specific purposes such as child prostitution, child pornography and adoption[. Furthermore,] not all states have enacted laws related to the sale of children or even to trafficking as defined at federal level.”).
- ⁷⁰ *Id.*
- ⁷¹ Comm. on the Rights of the Child, *Concluding Observations—Optional Protocol to the Convention on the Involvement of Children in Armed Conflict—United States of America*, ¶¶ 13–14, U.N. Doc. CRC/C/OPAC/USA/CO/2 (June 26, 2013) [hereinafter Comm. on the Rights of the Child, *2013 OPAC Concluding Observations*]; Comm. on the Rights of the Child, *2013 OPSC Concluding Observations*, *supra* note 68, at ¶¶ 11–12.
- ⁷² U.S., *UPR Addendum*, *supra* note 26, at ¶ 21.
- ⁷³ Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 4(d).
- ⁷⁴ *Id.*
- ⁷⁵ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 6; Human Rights Comm., *2014 Concluding Observations*, *supra* note 28, at ¶ 4; Comm. on the Rights of the Child, *2013 OPAC Concluding Observations*, *supra* note 71, at ¶¶ 13–14; Comm. on the Rights of the Child, *2013 OPSC Concluding Observations*, *supra* note 68, at ¶¶ 11–12.
- ⁷⁶ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶ 176.108.
- ⁷⁷ U.S., *UPR Addendum*, *supra* note 26, at ¶ 21.
- ⁷⁸ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 32; CAT Comm., *2014 Concluding Observations*, *supra* note 54, at ¶ 32; Comm. on the Rights of the Child, *2013 OPSC Concluding Observations*, *supra* note 68, at ¶¶ 53–54; Comm. on the Rights of the Child, *2013 OPAC Concluding Observations*, *supra* note 71, at ¶¶ 43–44.
- ⁷⁹ CERD, *supra* note 11, art. 7 (requiring states to combat prejudice and racial discrimination through education, including on CERD and the UDHR).
- ⁸⁰ See Letter from Mary E. McLeod, Acting Legal Adviser, U.S. Department of State, to Muriel Bowser, Mayor of the District of Columbia (Apr. 25, 2015), reprinted in Columbia Law School, Human Rights Institute, *Bringing Human Rights Home: The Birmingham Mayor’s Office Human Rights Dialogue* at app. C (2015), available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/birmingham_outcomes_document_september_2015.pdf.
- ⁸¹ See *supra* note 65 and accompanying text.
- ⁸² Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶ 176.118.
- ⁸³ U.S., *UPR Addendum*, *supra* note 26, at ¶¶ 5–6, 8.
- ⁸⁴ See *supra* note 14 and accompanying text (providing a human rights-based definition of discrimination).
- ⁸⁵ CERD Comm., *2014 Concluding Observations*, *supra* note 23, at ¶ 5.
- ⁸⁶ *Id.*
- ⁸⁷ Human Rights Council, *U.S. UPR*, *supra* note 18, at ¶ 176.122.