

ADVISORY COMMUNICATION



To: City Council Item No. VIII. B.

From: MJ Lamon, Liaison
Human Rights and Relations Commission

Date: July 1, 2014

Subject: Human Rights and Relations Commission – Local Support for Human Rights Implementation and Monitoring

Attachments:

1. Email from the Advocates for Human Rights
2. Letter drafted to Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State
3. Background information on the U.S. and Human Rights Reviews

Action Requested:

City Council sign the open letter to Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State.

Situation:

The Advocates for Human Rights, an organization holding all trainings for the Human Rights and Relations Commission’s Community Conversations Working Group, is encouraging the City of Edina to sign on to an open letter initiated by the Human Rights at Home Campaign. The Edina Human Rights and Relations Commission reviewed and discussed the letter and all correspondence received at the June 24 regular meeting.

Background:

A number of significant opportunities exist for the United States to improve human rights conditions domestically. Many opportunities exist for state and local jurisdictions specifically to address human rights violations in employment, housing, and criminal justice. However, there is not currently adequate coordination between federal, state, and local governmental agencies to effectively implement current treaty recommendations or communicate best practices. In addition, state and local officials are not included in treaty reviews and often decisions are not communicated down to the local level.

Additionally, although the United States has ratified a number of international treaties relating to human rights, there are still various conventions that have not been ratified.

Assessment:

It is the mission of the Human Rights and Relations Commission to advocate for basic human rights and needs and to collaborate with other communities and governmental organizations. The City of Edina’s signature on this open letter is an excellent opportunity to advance Human Rights advocacy and awareness and encourage cooperation between all levels of government.

Recommendation:



The Human Rights and Relations Commission, at the June 24, 2014 regular meeting, voted to recommend that the Edina City Council sign on to the attached letter and additionally cc: the Minnesota Political Delegation, President Obama, NY Times, and local press agencies.

Annie Coyle

From: Lohman, Madeline <MLohman@advrights.org>
Sent: Wednesday, June 18, 2014 11:39 AM
Subject: Request for sign-on
Attachments: INFO on US and Human Rights Reviews.pdf; State and local sign on letter to DOS--Federal Support.pdf

I writing on behalf of the Human Rights at Home Campaign, which seeks to build human rights principles into the way government operates. The Campaign is calling for improved human rights implementation and monitoring including through increased coordination between federal, state and local actors and federal resource support for state and local government agencies and officials' efforts to promote and protect human rights. To ensure meaningful human rights implementation, the Campaign is also calling for new federal human rights mechanisms to facilitate this coordination.

As part of this effort, the Campaign's State and Local Subcommittee has drafted a letter to Tom Malinowski, Assistant Secretary of State for Democracy, Human Rights and Labor, calling on the federal government to:

- include "state and local agencies and officials in all future treaty reviews, including the upcoming reviews of compliance with the International Convention on the Elimination of All Forms of Discrimination and the Convention Against Torture, as well as the Universal Periodic Review process."
- "widely disseminate treaty body recommendations, communicate how they relate to state and local policy, and provide guidance on practices that can address areas of concern"; and
- provide "dedicated staff, education, training, and funding to help state, county and municipal governments fully comprehend and engage with the United States' human rights obligations."

I hope that you will sign-on to this letter and demonstrate your support for federal guidance and support for local implementation of human rights. I have attached the letter to this email, as well as a backgrounder on treaty review. **The deadline for sign-on is July 3.** Just reply to me if you are interested in signing on to the letter and I will pass that information on to the campaign coordinators.

Sincerely,
Madeline

Madeline Lohman
Research, Education and Advocacy
Program Associate
The Advocates for Human Rights
330 Second Avenue South, Suite 800
Minneapolis, MN 55401 USA
Office: 612.341.3302 | Direct: 612.746.4696 | Fax: 612.341.2971
mlohman@advrights.org
www.theadvocatesforhumanrights.org | www.EnergyofaNation.org

Tom Malinowski
Assistant Secretary, Bureau of Democracy, Human Rights and Labor,
U.S. Department of State
2201 C Street NW
Washington, DC 20520

July [#], 2014

Dear Assistant Secretary Malinowski,

We write, as representatives of state and local government, to commend the U.S. government on its robust engagement with the U.N Human Rights Committee during its recent review of U.S. compliance with the International Covenant on Civil and Political Rights (ICCPR) and to share recommendations on how the federal government can support state and local actors working to promote and protect human rights.

The U.S. government's inclusion of three state and local officials in its delegation for the ICCPR review recognized the important role that state and local officials play in implementing the United States' human rights commitments. State and local participation enriched the conversation during the U.S. consultation with civil society and during the interactive dialogue with the Human Rights Committee, adding a breadth and depth of expertise to the discussions, including on issues of homelessness, domestic violence and LGBT discrimination.

The Human Rights Committee's Concluding Observations reflect that strengthening the U.S. human rights record requires cooperation and collaboration between all levels of government. They highlight numerous gaps between the protections afforded by the ICCPR and the reality in local communities. Addressing these gaps requires broad state and local awareness of human rights principles and their application to subnational entities.

During the interactive dialogue Deputy Assistant Secretary Scott Busby made the laudable commitment to disseminate the Human Rights Committee's Concluding Observation to state and local actors. This commitment is in line with the Human Rights Committee's recommendations to "engage with stakeholders ... to give greater effect to the Covenant" and, "strengthen and expand [federal, state and local] mechanisms mandated to monitor the implementation of human rights...[and] provide them with adequate human and financial resources."¹

Today, we write to seek your support and guidance so we can do this to the best of our ability.

¹ Concluding Observations of the Human Rights Committee: United States of America, para. 4(b);(d), U.N. Doc. CCPR/C/USA/CO/4 (Apr. 23, 2014), *available at* <http://justsecurity.org/wp-content/uploads/2014/03/UN-ICCPR-Concluding-Observations-USA.pdf>.

An important step towards complying with the U.S. government's commitments and obligations is to widely disseminate treaty body recommendations, communicate how they relate to state and local policy, and provide guidance on practices that can address areas of concern. This type of proactive engagement will educate state and local officials on human rights standards and enhance our capacity to engage in activities that bolster human rights compliance. A number of federal agencies and officials are well-placed to effectively communicate the Committee's recommendations and give them meaning at the state and local level, including agencies with which state and local governments have prior relationships, such as the Department of Justice and others within the Equality Working Group.

We further urge the United States to include a diverse delegation of state and local agencies and officials in all future treaty reviews, including the upcoming reviews of compliance with the International Convention on the Elimination of All Forms of Discrimination and the Convention Against Torture, as well as the Universal Periodic Review process. This will both strengthen the reviews and help to ensure that the resulting recommendations translate into positive domestic practice at the local level.

In 2013, both the IAOHRA – the umbrella organization of state and local human rights agencies with a membership of approximately 160 agencies from across the country – and the U.S. Conference of Mayors, an organization representing cities of 30,000 or more, passed resolutions committing to promote and protect human rights locally. Yet, to implement human rights, the members of these organizations require federal support and guidance.

By taking the steps outlined above, the United States will make important strides towards improving human rights implementation across the country, at every level of government. The federal government should further provide dedicated staff, education, training, and funding to help state, county and municipal governments fully comprehend and engage with the United States' human rights obligations.

We stand ready to work in partnership with the federal government to help the U.S. meet its obligations to respect, protect and fulfill human rights for all. We look forward to working with you in these efforts and welcome the opportunity to discuss these recommendations further.

Sincerely,

[SIGN ONs]

cc:

Mary Mcleod, Principal Deputy Legal Adviser, Office of Legal Adviser, U.S. Department of State

Scott Busby, Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State

David Sullivan, Legal Adviser to U.S. Mission to the United Nations, U.S. Department of State

Kathleen Hooke, Assistant Legal Advisor for Human Rights and Refugees, Office of the Legal Advisor, U.S. Department of State

Dean Pittman, Assistant Secretary, International Organization Affairs, Department of State

Jesse Tampio, Attorney-Adviser, Office of Human Rights & Refugees, U.S. Department of State

Sue Biniatz, Deputy Legal Adviser, Office of the Legal Adviser

Karen Stevens, Senior Counsel, Civil Rights Division, Department of Justice

**BACKGROUND INFORMATION ON THE U.S. AND HUMAN RIGHTS
REVIEWS**

I. TREATY REVIEWS OF THE UNITED STATES

The United States has ratified several major international human rights treaties:

- **The International Covenant on Civil and Political Rights (ICCPR)**, ratified in 1992, protects most traditional civil rights, including voting, speech, and religion;
 - The ICCPR includes protections for basic human rights such as the right to life and to human dignity, freedom of speech and association, freedom from torture and arbitrary detention, fair trial and minority rights. The ICCPR prohibits discrimination and guarantees equality before the law and equality between women and men.
- **The Convention on the Elimination of All Forms of Racial Discrimination (CERD)**, ratified in 1994, protects against racial discrimination.
 - CERD prohibits discrimination in the areas including voting, education, health, housing, property, social security, and employment. It defines discrimination broadly to include laws with “the purpose or effect” of impairing enjoyment of human rights. It also calls on governments to take appropriate measures to review and eliminate laws that create or perpetuate discrimination.
- **The Convention Against Torture (CAT)**, ratified in 1994.
 - The CAT requires measures to end acts of torture and criminalize them. It also calls for governments to prevent acts of cruel, inhuman and degrading treatment, and to investigate allegations of such treatment.
- **Two Optional Protocols to the Convention on the Rights of Child, ratified in 2002:**
 - **The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**. This Protocol provides detailed requirements aimed at ending the sexual exploitation and abuse of children, as well as other forms of forced labor and illegal adoption. It further calls for legal and support services for children and international cooperation in efforts to end these abuses
 - **The Optional Protocol on the Involvement of Children in Armed Conflict**. This Protocol aims to limit the participation of those under 18 in recruitment and deployment and to provide basic protections to former child soldiers.

For each treaty, there is a permanent United Nations body of experts charged with monitoring countries’ compliance with human rights obligations in that treaty. Ratifying countries are required to periodically report to these monitoring bodies on their progress in meeting their human rights commitments under the treaty. Civil society also has an opportunity to provide an assessment of compliance with treaty obligations. Ultimately, the treaty body issues Concluding Observations, summarizing concerns and recommendations that the country under review should address.

The U.S. will be reviewed for its progress implementing the CERD in August, 2014 and CAT in November, 2014.

THE 2014 ICCPR REVIEW

In March of 2014, the U.S. underwent a formal review of its compliance with the ICCPR. A delegation of U.S. federal agency representatives, as well as a mayor, state attorney general and local human rights agency representative traveled to Geneva to participate in the review and represent the United States. At the conclusion of the review, the U.N. expert Committee [*issued a number of conclusions and recommendations*](#) regarding the United States. These Concluding Observations touch on issues of federal, state and local concern, including racial profiling, gun violence, domestic violence, voting and homelessness.

II. THE UNIVERSAL PERIODIC REVIEW (“UPR”)

The United Nations Human Rights Council reviews the human rights records of all 193 United Nations Member States once every four years through the [Universal Periodic Review \(“UPR”\) process](#). This peer review process provides an opportunity for each country to discuss what actions it has taken to fulfill its human rights obligations and presents non-governmental organizations with an opportunity to advocate for greater protection or publicize human rights violations. The United States underwent its first UPR review in 2010 and will be reviewed again in 2015.

The 2010 UPR resulted in [228 recommendations](#) for ways in which the United States can improve human rights conditions domestically. Like recommendations from the ICCPR review, many of these recommendations relate to issues within state and local government jurisdiction, including employment, housing and criminal justice. The second review, next year, will focus on U.S. progress in implementing the recommendations from the 2010.

For more information on ways that state and local governments can use human rights to advance local policy, visit the website for Columbia Law School’s Human Rights Institute: <http://web.law.columbia.edu/human-rights-institute/human-rights-us/treaty-implementation/state-and-local-work>