



June 21, 2010

Dear IAOHRA Members,

INTERNATIONAL
ASSOCIATION
OF OFFICIAL
HUMAN RIGHTS
AGENCIES

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As you know, on May 3rd, Harold Koh, U.S. Legal Adviser at the State Department, sent a letter to state and local commissions seeking input for the U.S. government's report on its compliance with its legal obligations contained in three of the human rights treaties the U.S. has ratified: The International Covenant on Civil and Political Rights (ICCPR); The Convention on the Elimination of All Forms of Racial Discrimination (CERD), The Convention Against Torture (CAT).

This is an exciting development, which signals the federal government's recognition of the key role that IAOHRA members play in both treaty reporting and broader implementation of human rights treaty obligations. We write to share the ways in which IAOHRA and the Human Rights at Home Campaign (formerly known as The Campaign for a New Domestic Human Rights Agenda) have responded to the May 3rd letter and to discuss the opportunities that it provides to raise awareness of your work and support your efforts to improve civil and human rights protections.

A. IAOHRA and Human Rights At Home Campaign Response.

IAOHRA and the Campaign have seized this opportunity to raise awareness at the State Department and within the general public about your work and its connection to international human rights treaties.

The IAOHRA Board invited several State Department representatives to its May 12 board meeting in Washington D.C. to discuss the upcoming treaty reports. During that meeting, IAOHRA board members were able to deepen their understanding and relationship with the State Department on a variety of issues, and to discuss the potential benefits and challenges in this new relationship. We are happy to report that State Department officials have been keen to mention this engagement with IAOHRA in subsequent meetings with civil society, noting the importance of state and local agencies in human rights implementation.

Additionally, IAOHRA sent a follow-up letter to Harold Koh and other State Department representatives welcoming the opportunity to partner with the federal government and commending the State Department's recognition of the role that state and local agencies can play in human rights monitoring and implementation. The letter also underscores the resource constraints you face and calls on the federal government to provide dedicated staff, funding and training and education to state and local agencies to build their capacity to engage in human rights treaty compliance.

In mid-May, the Campaign also embarked on a media campaign to draw attention to the work of state and local agencies. The Campaign issued a national press release highlighting several local human rights initiatives and describing resource constraints confronted by state and local agencies. The press release stressed the need for federal support and a Presidential Executive Order creating [a renewed federal Inter Agency Working Group on Human Rights](#) mandated to ensure collaboration and coordination between federal and state and local governments to help the U.S. fulfill its human rights obligations. IAOHRA members were encouraged to personalize this press release for their own jurisdictions and share with local media outlets.

The Campaign has also issued targeted local releases highlighting the work of human rights commissions and agencies in California, Illinois, Oregon and Washington and created blog profiles of individuals working within these institutions, which will be posted on-line.

B. Responding to the State Department's Information Request. The State Department request for information presents a unique opportunity to highlight the important work that IAOHRA members are already doing to advance human rights as well as the challenges that members face in reaching their full potential to promote and protect human rights. By highlighting successes (through advocacy, outreach, and education) and challenges (budget cuts, institutional challenges, staffing constraints, lack of appropriate training), we can create a more complete picture of the U.S.' human rights record and areas where coordination and support are needed to fully comply with treaty obligations.

IAOHRA Board Member Robin Toma recently circulated a request for specific information from the State Department.¹ The State Department's request was limited to the following:

1. *Where does the state or local human rights agency or agencies sit in the governmental structure -- part of the office of the governor or mayor, independent, part of a department (e.g., labor department)?*
2. *What issues are handled -- employment, housing, hate crimes, access to public services and the political system, etc?*
3. *How does the agency (or agencies) address these issues -- is it an adjudicatory body, which handles and decides cases (including by mediation)? Or does it perform programmatic functions to try to address issues before they become problems, or work with communities to reach solutions when issues arise? Or does it serve as an advocate for people who have complaints? Or some combination of all of these?*
4. *What networks does the agency participate in (with other states and local agencies and with the federal government) and how do these networks assist with the work?*
5. *Examples of cases handled in recent years -- cases adjudicated and decided, as well as issues dealt with in communities through programmatic efforts and/or dispute resolution efforts. (These are the most difficult to find on websites -- and examples would be very helpful for our reports).*

The State Department's request focuses on agency mandates and the complaint/case handling function of commissions but it does not cover specific initiatives your agencies undertake to address or prevent civil and human rights violations, foster improved community relations or educate community members or other officials of their rights and obligations or how such initiatives have been successful. Furthermore, the request does not seek information on the practical limitations that impact your work. ***We see this recent request for information as a way to enhance the information provided to the federal government and raise the profile of your work and the challenges you face.***

In the past, the State Department has included in its official treaty reports limited information on the work of commissions and agencies in a hand full of states.

¹ The State Department has set the following internal deadlines for information from state and local agencies, including commissions, governors and attorney generals: ICCPR, due at the end of May; CERD and CAT, due at the end of October. *While the ICCPR deadline has passed, information you provide will be very important for the CERD and CAT reports.*

This information has been geographically limited and focused on the type of information requested above. The U.S. Government's 2007 CERD Report included the most comprehensive reporting on state and local data, including mention of the work of 16 civil and human rights agencies and an annex discussing the civil rights programs of Illinois, Oregon, New Mexico and South Carolina in greater depth. The Report focused largely on complaints handling and resolution, but also referenced education, outreach and training programs (a sample of information included on civil and human rights agencies is included as Appendix 1).

The upcoming reports are an opportunity to provide a more complete picture of your work to the State Department. More nuanced reporting will help provide context to our requests for additional resources (such as funding, training and education) to support your efforts to undertake human and civil rights education, monitoring, reporting, advocacy, compliance, and enforcement efforts. A more complete picture will also help the federal government, domestic advocates and international human rights bodies understand the U.S.' record with regard to its human rights obligations at the local level and will also contribute to an understanding of effective initiatives and programs that can serve as model for other jurisdictions.

If you are interested in providing information to the State Department, we would be pleased to support your efforts to:

- Include substantive descriptions of human rights education, monitoring, reporting, advocacy, compliance and enforcement efforts as well as related successes;
- Describe the resource constraints and challenges you face in these efforts and/or in responding to the State Department's request for information.
- Provide additional information that you think is important to represent your work.

C. Additional Opportunities for Participation. After the State Department submits its treaty report to the relevant treaty body, the treaty body will hold hearings at the United Nations in Geneva to review U.S. compliance with its treaty obligations. The hearings are based in part on the government's report and reports submitted by civil society (known as shadow reports). During the hearing, questions are posed to the U.S. Delegation, which has an opportunity to respond. After the review, the treaty body drafts Concluding Recommendations highlighting areas of concern and providing recommendations for the government to improve treaty implementation.

There are multiple ways your agency can be involved in treaty reporting, education and advocacy efforts both before and after the State Department submits its treaty reports to the relevant treaty body, even if you do not submit data to the State Department. Here are a few ways that your agency can participate:

- **Hold Local Compliance Hearings.** Request that the State Department partner with your agency to host a local hearing or consultation to develop a more detailed picture of local civil and human rights issues (such as racial injustice) for inclusion in the government's reports.
- **Participate in the Government Delegation to the United Nations.** You can request to be part of the U.S. delegation in Geneva. State officials have been part of this delegation in the past.

- **Raise Awareness of Concluding Observations.** Request that the State Department partner with your agency to hold public sessions that draw attention to the Concluding Observations of treaty bodies. You can also provide copies of the Concluding Observations in your offices. You can also work with relevant federal agency representatives to hold hearings on the Concluding Observations to assess state and local policy and practice in light of international human rights standards and issue your own recommendations for legislation or administrative action based on your assessment.
- **Promote Human Rights Education.** Request that the State Department and/or local citizen groups work with you to conduct public education and outreach around the standards that are set forth in the ICCPR, CERD and CAT, as well as provide training within your agency and/or to prosecutors, judges, and public defenders to inform them of their duties to implement human rights treaty obligations.

If you would like to take part in reporting or other opportunities mentioned above, please contact JoAnn Kamuf Ward (jward@law.columbia.edu) and Robin Toma (rtoma@css.lacounty.gov).

Sincerely yours,

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