

International Human Rights

National Human Rights Institution

- The U.S. must fulfill its treaty obligations. Although the U.S. has ratified international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant for the Elimination of Racial Discrimination, and the Convention Against Torture, Congress has never adopted legislation to incorporate these treaties in domestic law, and successive administrations have failed to incorporate them in domestic policy. Little has been done to implement these treaties or monitor compliance with them.
- Despite numerous long-standing recommendations from international human rights bodies, its allies and fellow U.N. member states, and members of Congress, the U.S. has never established a national human rights institution (NHRI) or any other coordinating mechanism to monitor and promote the implementation of human rights obligations it has accepted under ratified international treaties.
 - In its concluding observations following the 2022 review of U.S. compliance, the U.N. Committee on the Elimination of Racial Discrimination expressed its “regret at the lack of progress in establishing a national human rights institution,” as it had recommended in the past, and again recommended that the U.S. “create a permanent and effective coordinating mechanism” such as an NHRI to ensure full implementation of the treaty.
 - In December 2022, more than 80 civil and human rights organizations and numerous individual academicians and advocates sent a letter to the Biden administration urging it to establish a study commission to begin making progress toward the establishment of an NHRI.
 - In August 2024, the American Bar Association added its voice to the chorus calling for change when it adopted Resolution 512, urging Congress to create and fund an NHRI, and urging the president to establish a study commission to issue recommendations on the organization and funding of a U.S. NHRI pursuant to international standards.
- NHRIs are state-sponsored entities that function independently to protect and promote human rights. They are established in accordance with minimum standards adopted by the international community, known as the Paris Principles, and must possess:
 - a broad mandate based on universal human rights standards.
 - autonomy from the government.
 - independence.
 - pluralism.

Recommendations

- The White House should appoint a study commission to explore potential models and structures for a U.S. NHRI and to present recommendations within one year for the establishment of an NHRI.
- Following the receipt of commission recommendations, Congress should act promptly to enact legislation establishing an NHRI that complies with the Paris Principles.
- In the interim, and until such time as Congress adopts appropriate legislation establishing an NHRI:
 - The White House should establish a Federal Advisory Committee, interagency coordinating council or other similar mechanism to promote awareness of the requirements of international human rights treaties, to ensure that those requirements are incorporated in the development and implementation of domestic policies, and to monitor and report on their implementation.
 - Congress should pass legislation requiring oversight of compliance with ratified international human rights treaties by federal government agencies.

- adequate resources.
- adequate powers of investigation.
- the ability to engage with international bodies.
- In the absence of an NHRI, there is no U.S. entity charged with monitoring, coordinating, or evaluating domestic implementation of U.S. human rights treaty obligations in law or policy. As a result, the requirements of international human rights treaties are rarely, if ever, considered in the development or implementation of domestic policy.
- The U.S. failure to establish an NHRI is a global outlier, particularly among more developed, democratic nations. At the start of 2023, the Global Alliance of National Human Rights Institutions recorded at least 110 NHRIs around the world. NHRIs have long been established on every continent, by every major U.S. ally, and by every country in the Americas except the U.S. and Brazil.

Links

Civil Society Letter to Susan Rice, Dec. 15, 2022, splcenter.org/sites/default/files/nhri-presidential-commission-letter.pdf

Letter from Members of Congress to President Biden, March 27, 2023, splcenter.org/sites/default/files/quill-letter-to-president-biden-nhri.pdf

Global Alliance of National Human Rights Institutions, ganhri.org

Establishing a National Human Rights Institution in the United States: A Special Report of the International Justice Clinic, UC Irvine School of Law, bpb-us-e2.wpmucdn.com/sites.uci.edu/dist/2/4290/files/2022/12/Establishing-an-American-NHRI-December-2022.pdf

Concluding Observations and Recommendations of the U.N. Committee on the Elimination of Racial Discrimination, Aug. 31, 2022, available at tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FUSA%2FCO%2F10-12&Lang=en

ABA Resolution 512, americanbar.org/content/dam/aba/administrative/news/2024/am-res/512.pdf

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