

### **What is the ICCPR?**

The [ICCPR](#) is a key international human rights treaty, providing a range of protections for civil and political rights. The ICCPR, together with the Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights, are considered the International Bill of Human Rights. The ICCPR obligates countries that have ratified the treaty to protect and preserve basic human rights, such as: the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial, and; minority rights. The Covenant compels governments to take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy. The Covenant was adopted by the U.N. General Assembly in 1966 and came into force in 1976. As of December 2013, 167 countries have ratified the Covenant.

### **Why does the U.S. have to comply with the ICCPR?**

The U.S. ratified the ICCPR in 1992. Upon ratification, the ICCPR became the “supreme law of the land” under the Supremacy Clause of the U.S. Constitution, which gives acceded treaties the status of federal law. The U.S. must comply with and implement the provisions of the treaty just as it would any other domestic law, subject to [Reservations, Understandings and Declarations \(RUDs\)](#) entered when it ratified the treaty. Though the government retains the obligation to comply with the ICCPR, one of the RUDs attached by the U.S. Senate is a “not self-executing” Declaration, intended to limit the ability of litigants to sue in court for direct enforcement of the treaty.

### **Does the ICCPR apply only to the federal government and its officials?**

No. The ICCPR applies to all government entities and agents, including all state and local governments in the United States. The ICCPR thus applies to government actions in all states and counties, and also applies to private contractors who carry out government functions. When the U.S. Senate ratified the ICCPR, it included an Understanding that recognized our federal system of government, and specifically stated that the treaty “shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered” by the treaty, “and otherwise by the state and local governments” with support from the federal government for the fulfillment of the Covenant.

### **What is the Human Rights Committee?**

The Human Rights Committee was established to monitor the implementation of the ICCPR. It is composed of 18 independent experts with recognized competence in the field of human rights. Committee members are elected for a term of four years and must be from countries that have ratified the Covenant. The current members of the Committee come from: Algeria, Argentina, Costa Rica, Egypt, France, Georgia, Germany, Israel, Japan, Romania, South Africa, Suriname, Switzerland, The Netherlands, Tunisia, the United Kingdom, and the United States.

### **What is the function of the Human Rights Committee?**

The Human Rights Committee meets three times a year for sessions lasting three weeks, normally in March at the United Nations headquarters in New York, and in July and October at the United Nations Office in Geneva, Switzerland. Countries that have ratified the ICCPR are obliged to report to the Committee every four years. Three to five countries are invited to present their reports at each session. The Committee examines the report and addresses its concerns and recommendations to the country in the form of “concluding observations.” The Committee also publishes [general comments](#) on all treaty bodies, including the CCPR.

**Has the United States submitted reports about its compliance with the ICCPR?**

Yes. On December 30, 2011, the U.S. submitted its [4th periodic report](#). The previous two reports were submitted jointly by the Bush administration in October 2005, as one was seven years overdue. The first report was submitted in 1994 under the Clinton administration. While using an inter-agency process, the U.S. Department of State is responsible for drafting the reports and coordinating U.S. government responses and appearance before the Human Rights Committee. Typically, the State Department will also bring high level representatives from other governmental agencies to attend the treaty review session.

**What happened at the most recent Human Rights Committee review session?**

On March 13 and 14, 2014, the Human Rights Committee conducted its review of the United States report in two public meetings held at the United Nations in Geneva. While originally scheduled for October 2013, these meetings were pushed back due to the U.S. government shutdown. Representatives from the U.S. addressed the Committee and answered questions by its members. Part of the review was based on a list of issues and questions that the Committee identified in Geneva during its March 2013 session. The government's replies to the List of Issues are [available here](#).

**What happens now that the Human Rights Committee has reviewed the U.S. report?**

At the end of its March session, the [Human Rights Committee](#) issued a list of observations and recommendations regarding U.S. compliance with the ICCPR, [available here](#). The [Concluding Observations](#) on the U.S. report advise progress to be made and evaluated at the next review. Among its recommendations, the Committee often identifies areas of concern and asks for additional information from the U.S., to be supplied within one year, on measures taken to address them. While the recommendations are not legally binding, they place an important moral obligation on the U.S. government, which has committed itself to complying with the treaty. The recommendations are also used to assess progress toward implementing the ICCPR and to identify areas for improvement.

**What is the role of non-governmental organizations (NGOs) like human rights and civil liberties groups in the treaty compliance process?**

NGOs are encouraged to participate whenever the Committee considers a nation's compliance with the treaty. Many groups submit information in the form of "shadow reports" and provide Committee members with a list of suggested questions and areas of concern regarding the country report. The Committee relies in part on factual information and analysis provided by NGOs to counter information submitted by the government. As the Committee's concluding observations are not legally binding and have no enforcement mechanism, NGOs play a key role in highlighting these recommendations and ensuring their implementation.

**How have the ACLU and other NGOs been involved in the review process?**

The ACLU was a co-leader in the coordination of the US Human Rights Network's ICCPR Task Force. This coalition works to expand knowledge of the ICCPR review process among U.S. civil society, including providing information on how to participate in the U.N. treaty review process and how to utilize recommendations received to improve human rights throughout the United States. Since the submission of the U.S. government's most recent report on December 30, 2011, the ACLU, along with several civil rights partners, helped to organize a consultation between the government and civil society organizations, an [advocacy seminar](#), and a [CLE](#).

During the most recent review cycle, the ACLU prepared for the U.S. review by providing the Committee with a list of issues and questions to which the U.S. should be required to respond. In September 2013, the Human Rights Program submitted a [shadow report](#) highlighting priority areas of concern, and co-sponsored briefings and consultations with broad participation from U.S. civil society organizations in order to hold the government accountable for full implementation of ICCPR obligations on the local, state and federal levels. This report addresses: immigration policy; labor trafficking; women's rights; solitary confinement; the death penalty; government-sanctioned torture; targeted killings; and NSA surveillance programs. In February 2014, the ACLU submitted an [updated report](#) to reflect the major developments that occurred since the submission of the original shadow report.

### **How can I join organizing efforts around the ICCPR?**

The US Human Rights Network ICCPR Task Force is coordinating civil society responses and advocacy prior to and during the U.S. appearance before the Human Rights Committee. NGOs will have a unique opportunity to contribute to this effort by documenting and providing information about civil and political rights violations in their states and communities, organizing local events, publishing materials that raise public awareness about the importance of this key human rights treaty, and using the treaty's framework – and the more general human rights framework – to enhance overall efforts to protect human rights and civil liberties on the national, state and local levels. Join the [ICCPR listserv](#) for updates and information on how to get involved with these efforts.

### **Important Links:**

International Covenant on Civil and Political Rights (ICCPR):

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

U.S. Government Reservations, Understandings and Declarations Upon Ratification:

<http://www1.umn.edu/humanrts/usdocs/civilres.html>

Human Rights Committee website:

<http://www2.ohchr.org/english/bodies/hrc/>

General Comments of the Human Rights Committee:

<http://www2.ohchr.org/english/bodies/treaty/comments.htm>

USHRN ICCPR Listserv Join Request:

[http://salsa3.salsalabs.com/o/50876/signup\\_page/email-updates](http://salsa3.salsalabs.com/o/50876/signup_page/email-updates)

4th Periodic Report on the ICCPR from the U.S. Government:

<http://www.ushrnetwork.org/resources-media/us-governments-fourth-periodic-report-iccpr>

Concluding Observations 2014:

[http://www.ushrnetwork.org/sites/ushrnetwork.org/files/iccpr\\_concludingobservations\\_usa\\_uneditedversion\\_published032714.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/iccpr_concludingobservations_usa_uneditedversion_published032714.pdf)

ACLU Shadow Report 2013:

<https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union>

ACLU Shadow Report Update 2014:

<https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union-0>

Concluding Observations 2006:

<http://www.ushrnetwork.org/resources-media/concluding-observations-human-rights-committee-us-government-2006-0>

ACLU Shadow Report 2006, "Dimming the Beacon of Freedom: U.S. Violations of the International Covenant on Civil and Political Rights":

<https://www.aclu.org/human-rights/dimming-beacon-freedom-us-violations-international-covenant-civil-political-rights>

109th Session of the UN Human Rights Committee (October 14-November 1, 2013):

<http://www.ccprcentre.org/overview-109-session-usa/>

Implementing the ICCPR: The Human Rights Committee's 2013 Review of the U.S. PowerPoint:

<http://www.ushrnetwork.org/resources-media/implementing-iccpr-human-rights-committees-2013-review-us>

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