

Ambassador Susan Rice
Director, Domestic Policy Council
The White House
Washington, D.C.

December 15, 2022

RE: Creating a federal commission to study establishing a national human rights institution

Dear Ambassador Rice,

Last October, President Biden [proclaimed](#) that the United States must demonstrate that its “commitment to human rights begins at home.” We, the undersigned, strongly support that sentiment and believe that this principle – that human rights begin at home – should be the basis for a bold approach to ensuring that everyone in the United States enjoys the rights and freedoms guaranteed by international human rights law.

The United States has been a historic leader in the global effort to establish universal standards of human rights protection, beginning with the Universal Declaration of Human Rights in 1948. At the same time, while state and local authorities have increasingly looked to human rights standards to improve the lives of people, the federal government has not comprehensively integrated the United States’ human rights obligations into domestic law and policy and has resisted efforts to create domestic human rights monitoring, enforcement, and accountability mechanisms. Thus, as we mark the adoption of the Universal Declaration seventy-four years ago this month, we urge the Biden administration to make good on the President’s words by reinvigorating that leadership and starting the process of establishing a National Human Rights Institution (“NHRI”).

In particular, we propose that the Biden Administration establish a national committee of experts to study the creation of an American NHRI, with robust civil society participation, and make recommendations within a year of its establishment.

Our proposal is rooted in a widespread global practice of human rights compliance. Democracies around the world, including most of the United States’ closest allies and partners, have [established national institutions](#) that monitor and promote the implementation of their international human rights obligations. Some do so by giving individuals the right to bring claims that may be resolved by the NHRI. Some provide a public forum for the investigation of alleged violations and a platform for recommendations to improve human rights compliance. Still others create mechanisms to advise and inform the legislative, judicial, and executive branches on human rights standards and to provide broad education to their people. And in some cases, NHRIs provide another avenue for victims to seek investigation and adjudication of alleged human rights violations and obtain redress.

Whatever functions or model may be appropriate for the United States, an American NHRI could strengthen our ability to bring human rights home and significantly improve

domestic implementation of the United States' international human rights commitments and obligations including under the Universal Declaration and ratified treaties such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.

An American effort to establish an NHRI could also reinforce the priorities President Biden has set out for the Summit for Democracy and in the Administration's National Strategy on Gender Equity and Equality, demonstrating that what the United States asks of others is what we also demand of ourselves. We were heartened that the United Nations Committee on the Elimination of Racial Discrimination, in its Concluding Observations following the United States review earlier this year, [welcomed](#) the U.S. delegation's indication that it had taken under advisement the recommendations favoring the creation of an NHRI.

In keeping with the U.S. government's stated commitment to evaluate human rights recommendations, we urge the Biden administration to establish a presidential commission to thoroughly explore the creation of an NHRI in the United States. We stand ready to support you in your efforts to launch such a process and take the first steps toward bringing human rights home.

For further questions, please contact Professor David Kaye, UC Irvine School of Law, at dkaye@law.uci.edu, or Mr. Jamil Dakwar, American Civil Liberties Union, at jdakwar@aclu.org.

cc: The Honorable Antony Blinken, U.S. Secretary of State
The Honorable Jake Sullivan, National Security Adviser

Organizations:

International Justice Clinic, UC Irvine School of Law
American Civil Liberties Union
ACLU of North Dakota, South Dakota and Wyoming
The Advocates for Human Rights
African Diaspora Directorate
Allard K. Lowenstein International Human Rights Clinic, Yale Law School
American Association of the International Commission of Jurists
American Civil Liberties Union, Puerto Rico
American Humanist Association
American Jewish Committee
Amnesty International USA
Arab American Institute
Boston University International Human Rights Clinic
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Justice and International Law (CEJIL)
Center for Reproductive Rights
Center for Victims of Torture

Changing Woman Initiative
Children's Rights
Columbia Law School Human Rights Institute
Cornell Law School International Human Rights Clinic
Desiree Alliance
Disaster Law Project
DRM Action Coalition
DynamicChanges LLC
Electronic Frontier Foundation
Four Freedoms Forum
Friends of the African Union
Global Justice Center
Global Rights Advocacy
Haitian Bridge Alliance
Hawai'i Institute for Human Rights
Human Rights Advocates
Human Rights Clinic, University of Miami School of Law
Human Rights First
Human Rights Program, Hunter College
Human Rights Watch
Institute for the Study of Human Rights, Columbia University
International Center for Advocates Against Discrimination (ICAAD)
International Human Rights Law Clinic, American University Washington College of Law
International Human Rights Law Institute, DePaul University College of Law
International Indian Treaty Council
International Service for Human Rights (ISHR)
International Society for Ethical Psychology and Psychiatry
Impact Fund
Jacob Blaustein Institute for the Advancement of Human Rights
Kiva Centers
The Leadership Conference on Civil and Human Rights
La Colmena
Lambda Legal
Leitner Center for International Law and Justice, Fordham Law School
Los Angeles County Commission on Human Relations
Louisiana Advocates for Immigrants in Detention
Muslim Public Affairs Council (MPAC)
NAACP
NAACP Legal Defense and Educational Fund (LDF)
National Birth Equity Collaborative
National Homelessness Law Center
National Lawyers Guild International Committee
National Network to End Domestic Violence
National Organization for Women
National Religious Campaign Against Torture
Northwest Harvest

Partners for Dignity and Rights
Pittsburgh Human Rights City Alliance
Project on Government Oversight
Promise Institute for Human Rights, UCLA School of Law
Repeal Mental Health Laws
Robert F. Kennedy Human Rights
Santa Clara Law - International Human Rights Clinic
Society of the Flora, Fauna and Friend
Sons and Daughters of Africa (SADA)
Southern Echo Inc.
Southern Poverty Law Center
Thurgood Marshall Civil Rights Center, Howard University School of Law
T'ruah: The Rabbinic Call for Human Rights
University of Connecticut School of Law: Human Rights Law Association
Urban Morgan Institute for Human Rights, University of Cincinnati College of Law
U.S. Human Rights Cities Alliance
USC Gould International Human Rights Clinic
Water Protector Legal Collective
Woman's All Point Bulletin WAPB
Woodhull Freedom Foundation
World Justice Project

Individuals (institutions noted for identification purposes only):

Richard Abel, UCLA School of Law
Gregg Bloche
Peter Brooks, Yale University
Tony Camerino, Burkle Center for International Relations
Arturo J. Carillo, George Washington University School of Law
Avidan Y. Cover, Case Western Reserve University School of Law
Rhonda Cowden
Ejim Dike, Western States Center
Dr Jackie Dugard, Institute for the Study of Human Rights, Columbia University
Stephanie Farris
Laurel Fletcher, Berkeley Law
Karen Greenberg, Center on National Security
Lisa Hajjar, University of California, Santa Barbara
Jonathan Hafetz, Professor of Law Seton Hall Law School
Paul Hoffman, UC Irvine School of Law
Nancy Hollander
Deena R Hurwitz, Program on Human Rights & the Global Economy, Northeastern University
School of Law
Jocelyn Getgen Kestenbaum, Cardozo Law School
Wade Henderson, Former President, Leadership Conference on Civil and Human Rights
Jules Lobel, University of Pittsburgh Law School
Jinee Lokaneeta, Drew University
Gay J. McDougall, Fordham University School of Law

Alberto Mora, former General Counsel, Department of the Navy
Makau Mutua, SUNY Buffalo School of Law
Stephanie Ortoleva
Todd Pearce
Theodore Piccone, Brookings Institution
Naomi Roht-Arriaza, UC Hastings School of Law
Gabor Rona, Cardozo Law School
Stephen Rosenbaum, UC Berkeley School of Law, Othering and Belonging Institute
Kenneth Roth, Former Executive Director of Human Rights Watch
Kim Lane Scheppele, Princeton University
Darby Kerrigan Scott, Florida State University College of Law Public Interest Law Center
Gregory Shaffer, President, American Society of International Law
Stephen Soldz, Boston Graduate School of Psychoanalysis
Constance de la Vega, University of San Francisco Law School
Salma Waheedi, Harvard Law School International Human Rights Clinic
Richard Ashby Wilson, University of Connecticut