



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

April 29, 2014

United Nations Office of the High Commissioner for
Human Rights (UNOHCHR)
Palais Wilson
1211, Geneva

Attention Advisory Committee:

Thank you for your letter dated March 10, 2014 and the accompanying questionnaire. The United States fully supports the mandate of the Human Rights Advisory Council. We appreciate the opportunity to participate in your study, and we look forward to reading your report.

Attached to this letter is our response to your questionnaire regarding the role of local governments in promoting and protecting human rights in the United States.

Sincerely,

Peter F. Mulrean
Chargé d'Affaires *ad interim*

Enclosure
As Stated

OHCHR REGISTRY

01 MAY 2014

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UNITED STATES RESPONSE TO UN QUESTIONNAIRE ON THE ROLE OF LOCAL GOVERNMENT IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

The United States is firmly committed to respecting its human rights obligations, which apply at all levels of government. Given the federal system in the United States, in which each of our 50 states is organized differently, local government can take myriad forms with varying levels of authorities, competencies, and resources. While it is therefore impossible to survey all the different mechanisms and policies through which human rights are promoted by local governments, such governments are, as a general matter, highly involved in providing services and enforcing laws that are vital to the protection and promotion of human rights within the United States.

U.S. states generally have two or more layers of government, the highest being the state government, made up of the governor, state legislature, state-wide agencies and courts, etc. Below this, states are subdivided into counties (or their equivalent) which exercise certain governmental functions; in addition, heavily populated areas are incorporated into municipalities or other forms of local government, such as cities, towns, townships, boroughs, parishes, or villages. Most states, counties, and large cities in the United States have adopted statutory and administrative schemes to promote and protect civil rights, which further advance the goal of protecting human rights.

Local governments play an important role in enforcing human rights protections, and the Fourteenth Amendment of the U.S. Constitution provides a minimum below which no state may go in ensuring equal protection of their citizens. Moreover, some states provide their citizens with greater protection than the federal Constitution requires. State and local governments also play a critical role in enforcing anti-discrimination laws in matters outside the jurisdiction of the federal government, in areas such as education, housing, consumer protection, financial services, transportation, etc.

Most states have state civil rights or human rights commissions or offices that administer and enforce state laws prohibiting discrimination in areas such as employment, education, housing, and access to public accommodations. These offices generally investigate complaints and ensure, where appropriate, that charges are filed and cases are heard. They generally also have advisory and educational functions, informing residents of the state about enforcement of their civil rights. The few states that do not have designated civil rights or human rights offices or commissions administer their civil rights laws through their Attorney General's Offices. Some counties and cities also have commissions to administer their civil rights laws. For example, a complainant in Chicago may have four choices in bringing an employment claim – the federal Equal Employment Opportunity Commission, the Illinois Department of Human Rights, the Cook County Human Rights Commission, or the Chicago City Human Rights Commission. California also has a full system of civil rights agencies. In addition to three state entities – the California Department of Fair Employment and Housing, the California Department of Justice Civil Rights Enforcement Section, and the California Fair Employment and Housing Commission (a quasi-judicial administrative agency that hears cases and is also involved in regulatory,

legislative, and outreach activities), complainants can also contact 13 county civil rights commissions and more than 50 city civil rights bodies.

Here are a few additional examples of city-level human rights mechanisms within the United States:

□ The Berkeley Peace & Justice Commission is an office within the city government of Berkeley, California. The main function of the Commission is to advise the Berkeley City Council and the Berkeley Unified School District on matters of relating to civil and human rights. In September 2009, Berkeley's City council passed an ordinance that the Peace & Justice Commission had proposed requiring the city to provide statistical reports and information on local ordinances related to implementation of the three major human rights treaties ratified by the U.S. to the county, state, and federal governments, and to UN treaty bodies.

□ In Alexandria, Virginia, the Alexandria Human Rights Commission was created in 1975 by the Alexandria City Council's Human Rights Ordinance. The Commission administers the Ordinance's provisions, which prohibit discrimination in employment, housing, public accommodation, credit, health and social services, education, and city contracts on the basis of race, color, sex, age, religion, national origin, ancestry, marital status, or physical handicap. The Ordinance also prohibits discrimination on the basis of sexual orientation and all disabilities, provides fair housing protection for families with children, and prohibits discrimination in commercial real estate.

□ In Washington, D.C., the District of Columbia Office of Human Rights (OHR) is an agency under mayoral authority within the D.C. government. The District of Columbia Commission on Human Rights (DCCHR) is part of OHR and consists of a 15-member volunteer body appointed by the mayor for two-year terms, and a staff of three Administrative Law Judges. The DCCHR adjudicates private sector complaints of discrimination that have been found to have probable cause and certified by the OHR.

□ The Seattle Office for Civil Rights (SOCR) addresses illegal discrimination in employment, housing, public accommodations, and contracting within Seattle city limits using both federal and local laws. SOCR also staffs four advisory commissions to the City of Seattle: the Seattle Human Rights Commission, which advises the City of Seattle on human rights issues and collaborates with the public and private sectors to education them on methods to prevent and eliminate discrimination city-wide; the Seattle Women's Commission, which addresses issues such as economic opportunity for women and women's health, among others; the Seattle LGBT Commission, which advises the City on issues of concern affecting the LGBTQ community, and the Seattle Commission for People with Disabilities, which informs the city about issues of importance to people with disabilities, assures access to city services and facilities, recommends politics, practices, and legislation to the City in matters affecting concerns of peoples with disabilities, and encourages understanding among people with various disabilities as well as between people with disabilities and the larger Seattle community.

□ In San Francisco, California, the San Francisco Human Rights Commission (SFHRC) was created in 1964 with a

mandate to address the causes and problems relating to prejudice, intolerance, bigotry, and discrimination. The SFHRC's mandate now includes: mediation and conciliation of intergroup disputes and tensions, enforcement of local anti-discrimination laws and affirmative action monitoring, ensuring compliance by City departments and contractors with the provisions of the Local Business Enterprise Ordinance, and the implementation of federal and local fair housing protection, among other responsibilities.

□ Additionally, San Francisco's Commission on the Status of Women began in 1997 to hold hearings and engage in public education around human rights, especially as they apply to women and girls in San Francisco. The Commission worked with citizen groups to develop a local ordinance implementing the human rights principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into local law. The San Francisco Board of Supervisors passed municipal ordinance 128-98 in April 1998 to implement the standards of CEDAW.

Local governments employ a variety of remedial techniques, such as complaint submission, litigation, community mediation and training, to address allegations of human rights abuses within their jurisdictions. In Bloomington, Indiana, the Bloomington Human Rights Commission (BHRC) handles discrimination complaints in different ways, such as conducting formal investigations, negotiating confidential settlements, and a formal administrative hearing that may result in a decision and order. In Washington, D.C., the OHR has an investigative unit that conducts investigations in all jurisdictional fields, such as employment, housing, public accommodations, educational institutions, and language access. Per the D.C. Human Rights Act of 1977, mediation is mandatory in each case alleging a violation of the Act, and the Mediation Program settles approximately 40% of complaints of discrimination docketed by OHR. In Alexandria, the Alexandria Human Rights Commission has the authority to receive and mediate complaints alleging unlawful discrimination, negotiate settlements, conduct studies, engage in predetermination conferences, and conduct confidential advisory hearings by tribunals of three commissioners.

The United States has a vibrant civil society that actively engages at all level of governments, including at the local level, through a variety of means such as political advocacy, media campaigns, community organizing, and even litigation.

The U.S. federal government supports local government efforts to protect human rights in a number of ways, including by cooperating on enforcement in areas of overlapping jurisdiction, conducting training on U.S. federal law that furthers implementation of our human rights obligations, making human rights materials available to local governments, and conducting other forms of outreach.

Among the challenges that local governments in the United States face in promoting human rights are funding challenges and the necessity to prioritize among a wide variety of social programs and service delivery needs in light of limited resources, as well as varying degrees of legal authority depending on the structure of the government.