



United States Department of State

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www.state.gov

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MEMORANDUM FOR STATE GOVERNORS

FROM: Harold Hongju Koh, Legal Adviser *HHK*

SUBJECT: U.S. Human Rights Treaty Reports

This electronic communication contains information on several human rights treaties to which the United States is party, and which are implemented through existing laws at all levels of government (federal, state, insular and local). To promote knowledge of these treaties in the United States, we would appreciate your forwarding this communication to your Attorney General's office, and to the departments and offices that deal with human rights, civil rights, housing, employment and related issues in your administration.

Specifically, this memorandum provides background information on five human rights treaties to which the United States is a party and on which the United States has filed reports with the United Nations from 2005-2008: the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Covenant on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and two optional protocols to the Convention on the Rights of the Child – the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (CRC Optional Protocols). The United States is party to each of these treaties and, pursuant to obligations under each of these treaties, is obliged to submit reports to treaty monitoring bodies on the implementation of U.S. obligations thereunder. Because U.S. treaty obligations may apply to all levels of government throughout the territory of the United States and because of the important issues of U.S. law and practice addressed in our reports, we wish to make you and the appropriate members of your staff aware of these reports.

United States obligations under the ICCPR, CERD and the CRC Optional Protocols are implemented under existing law; in other words, prior to becoming a

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party to each of these treaties, the U.S. State Department, coordinating with other relevant agencies, reviewed the treaties and relevant provisions of U.S. law and determined that existing laws in the United States were sufficient to implement the treaty obligations, as understood or modified by reservations, understandings or declarations made by the United States at the time of ratification in order to ensure congruence between treaty obligations and existing U.S. laws. With regard to the CAT, Congress passed specific implementing legislation. Although these treaties do not give rise directly to individually enforceable rights in U.S. courts, the United States is bound under international law to implement all of its obligations under these treaties and takes these obligations very seriously.

As noted above, among these obligations are requirements to submit to the United Nations periodic reports of the actions the United States has taken in implementation of these treaties. Subsequent to submission of the reports, representatives of the United States (and in some cases representatives of the states) met with the relevant United Nations committees involved to present these reports, answer questions, and provide further information. In the context of these reports and meetings, the United Nations committees have expressed interest in confirming that the existence and substance of these treaties is made known throughout the territory of the United States. For example, one of these committees expressly urged the United States to “make government officials, the judiciary, federal and state law enforcement officials, teachers, social workers and the public in general aware about the responsibilities of the State party under the Convention.” Because implementation of these treaties may be carried out by officials at all levels of government (federal, state, insular, and local) under existing laws applicable in their jurisdictions, we want to make sure that the substance of these treaties and their relevance to the United States is known to appropriate governmental officials and to members of the public.

I have attached to this memorandum links to the State Department and other websites containing the relevant treaties, the reports submitted by the United States, committee responses (“Concluding Observations”), and other relevant documents. We ask that you transmit these links to the appropriate offices in your organization or department.

Attachment: Links to Treaties and Relevant Documents

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LINKS TO INFORMATION ON TREATIES

- **Convention Against Torture and other Cruel Inhuman or Degrading Treatment of Punishment (CAT)**

Treaty: <http://www2.ohchr.org/english/law/cat.htm>

Latest U.S. Report: <http://www.state.gov/g/drl/rls/45738.htm>

Related Documents: <http://www.state.gov/g/drl/hr/treaties/>

- **International Covenant on Civil and Political Rights (ICCPR)**

Treaty: <http://www2.ohchr.org/english/law/ccpr.htm>

Latest U.S. Report: <http://www.state.gov/g/drl/rls/55504.htm>

Related Documents: <http://www.state.gov/g/drl/hr/treaties/>

- **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**

Treaty: <http://www2.ohchr.org/english/law/cerd.htm>

Latest U.S. Report: http://www.state.gov/g/drl/rls/cerd_report/83404.htm

Related Documents: <http://www.state.gov/g/drl/hr/treaties/index.htm>

- **Optional Protocol (to the Convention on the Rights of the Child) on the Involvement of Children in Armed Conflict**

Treaty: <http://www2.ohchr.org/english/law/crc-conflict.htm>

Initial U.S. Report: <http://www.state.gov/g/drl/rls/83929.htm>

Related Documents: <http://www.state.gov/g/drl/hr/treaties/index.htm>

- **Optional Protocol (to the Convention on the Rights of the Child) on the Sale of Children, Child Prostitution, and Child Pornography**

Treaty: <http://www2.ohchr.org/english/law/crc-sale.htm>

Initial U.S. Report: <http://www.state.gov/g/drl/rls/84467.htm>

Related Documents: <http://www.state.gov/g/drl/hr/treaties/index.htm>