

**Joint Submission of the University of California Irvine, School of Law International Justice Clinic (UCI Law IJC) and the American Civil Liberties Union (ACLU)
to the United Nations Universal Periodic Review of the United States
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**Toward the Establishment of a National Human Rights Institution in the United States:
A Progress Report**

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Introduction

In order to promote compliance with their specific treaty obligations and international human rights commitments, over 110 States have established a National Human Rights Institution (NHRI).¹ NHRIs serve the core function of promoting and protecting human rights for all people in their countries through monitoring and reporting, along with advisory, investigative, and educational functions. Established as fully independent bodies, NHRIs are a mechanism by which member states ensure they adhere to their obligations under international law and secure to all people within their jurisdiction the full enjoyment of their human rights.

Despite calls from American civil society and international human rights mechanisms, the United States has not established an NHRI. While the creation of such an independent entity is not required for compliance with international law, States that have established an NHRI are better positioned to identify and support redress for human rights violations and to provide advice aligned with the guarantee of human rights in law and policy. The lack of such an independent national human rights body in the United States is particularly notable considering the current political and legal environment, including the current administration's systemic and aggressive assault on human rights, the rule of law, and constitutionally protected rights.²

This brief submission summarizes the work of civil society in the United States to establish a firm basis for the establishment of an American NHRI.

NHRI Efforts in the United States

During the Biden administration, a coalition of civil society organizations spearheaded efforts to advance an NHRI in the United States. In a December 2022 letter to the head of the White House's Domestic Policy Council, dozens of organizations and individuals urged the Biden

¹ GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS, <https://ganhri.org/> (last visited Apr. 5, 2025).

² Dakwar, Jamil. *The Targeted Chaos of Trump's Attacks Against International Human Rights Law and Justice* (Feb. 13, 2025). American Civil Liberties Union. <https://www.aclu.org/news/human-rights/the-targeted-chaos-of-trumps-attacks-against-international-human-rights-law-and-justice>.

administration to “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.”³ Prominent members of Congress supported this effort.⁴ Joining in the call for a mechanism dedicated to promoting and protecting human rights on a domestic level, the International Association of Official Human Rights Agencies (IOHRA) expressed support in 2023, and the American Bar Association (ABA) adopted a resolution in support of the NHRI effort in August 2024.⁵ Despite such broad civil society support for the existence of a robust human rights institution in the United States, the Biden administration did not adopt proposals to study formally the development of an NHRI.

Efforts to establish an NHRI in the United States have also been widely supported by the international community. The United Nations General Assembly has passed multiple resolutions calling for all member States to “establish effective, independent, and pluralist national institutions.”⁶ During the last United States UPR in 2020, several countries directly called on the United States to create an NHRI. The Human Rights Committee (HRC) called for the United States to establish an NHRI⁷ and expressed regret that creation of such is not, nor has been, a matter of priority.⁸ The Committee on the Elimination of Racial Discrimination, in its 2022 review of the United States, recommended that the United States:

“create a permanent and effective coordinating mechanism, such as a national human rights institution established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a mandate to ensure the implementation of the Convention and monitor compliance with its provisions throughout the State party and the territories under its control.”⁹

Calls by the international community have largely been ignored, however, and the U.S. Government does not currently appear poised to advance consideration of an NHRI or legislation aimed at promoting or protecting human rights.

³ *Coalition Letter to Susan Rice on Establishment of Domestic Human Rights Institution* (Dec. 15, 2022), [https://img1.wsimg.com/blobby/go/16861074-b11f-423f-8713-0e6fd25d22f2/downloads/Letter%20to%20Susan%20Rice%20re%20NHRI%20\(Dec%2016%202022\).pdf?ver=1704787285419](https://img1.wsimg.com/blobby/go/16861074-b11f-423f-8713-0e6fd25d22f2/downloads/Letter%20to%20Susan%20Rice%20re%20NHRI%20(Dec%2016%202022).pdf?ver=1704787285419). (Appendix A).

⁴ *Congressional Letter to President Biden on Studying a National Human Rights Institution* (Mar. 28, 2023), <https://www.aclu.org/documents/congressional-letter-president-biden-studying-national-human-rights-institution>. See Appendix B.

⁵ See International Association of Official Human Rights Agencies, *Open Letter to President Biden and Members of the 118th United States Congress* (Mar. 28, 2023) (Appendix C); American Bar Association (ABA), *Report to the House of Delegates* (Res. 512, 2024), <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2024/512-annual-2024.pdf>; (Appendix D).

⁶ G.A. Res. 74/156 ¶ 8 (Jan. 20, 2023).

⁷ See Human Rights Council, *Concluding Observations on the Fifth Periodic Report of the United States of America*, U.N. Doc. CCPR/C/USA/CO/5 (Dec. 7, 2023), available at <https://docs.un.org/en/CCPR/C/USA/CO/5>.

⁸ ABA, *supra* note 4.

⁹ Committee on the Elimination of Racial Discrimination, *Concluding Observations on the Combined Tenth to Twelfth Reports of the United States of America*, U.N. Doc. CERD/C/USA/CO/10-12 (Sept. 21, 2022), available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FUSA%2FCO%2F10-12&Lang=en.

Reiterating the Need for Human Rights Protections in America

There has long been a need for mechanisms in the American legal system that expressly safeguard human rights. As the Human Rights Council noted in its concluding observations on the most recent periodic review of the United States, there is a concerning lack of effective protections for human rights violations in the United States.¹⁰ The Council called on the U.S. government to take “*all* measures necessary” to advance human rights protections at the state, local, federal, and tribal levels.¹¹ At the most basic level, such measures should include the codification in domestic law of human rights that are guaranteed under international treaties of which the U.S. is a party and the establishment of a national mechanism to provide monitoring and education in the context of human rights implementation.

At a moment when the American administration has undertaken a widespread attack on fundamental human rights guarantees,¹² this submission encourages States to continue urging the American government to adhere to its obligations under existing international law. This submission also urges States participating in the UPR to recognize that the absence of a National Human Rights Institution in the United States leaves a critical gap in human rights protections, and hence, reinforces the importance of state and local governments to step up their efforts to protect and implement human rights obligations in their respective jurisdictions.¹³

Appendix A: December 2022 Letter to the Biden Administration

Appendix B: Letter from Members of Congress

Appendix C: Letter from the International Association of Official Human Rights Agencies (IAOHRA)

Appendix D: Resolution adopted by the American Bar Association

¹⁰ Human Rights Council, *supra* note 6.

¹¹ *Id.* (emphasis added).

¹² See, e.g., *Public Statement of American Human Rights Experts, Current and Former Members of UN Bodies*, (Feb. 10, 2025) available at <https://www.justsecurity.org/107687/statement-trump-international-law-human-rights/>.

¹³ See *Joint Submission to the Universal Periodic Review: Toward an Effective National Human Rights Institution for the United States* (Sept. 12, 2023), available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FUSA%2F55936&Lang=en.