



Human
Rights
Educators
USA

A national network dedicated to building a culture of human rights.

July 6, 2021

TO: Office of Management and Budget, Executive Office of the President

FROM: Rosemary Ann Blanchard, Advocacy and Policy Team Liaison, Human Rights Educators USA

RE: Comments and recommendations in response to RFI (FR Doc. 2021–09109) regarding effective methods for assessing whether agency policies and actions equitably serve all eligible individuals and communities, particularly to Areas 1, 2, and 5 of the RFI

Recommending the Adoption of a Human Rights framework and perspective for developing, implementing and assessing agency policies and actions to equitably serve all eligible individuals and communities without exception and with particular attention to underserved, marginalized groups

Introduction and Statement of the Problem

This analysis is made on behalf of Human Rights Educators USA, a civil society organization whose mission is “[t]o promote human dignity, justice, and peace by cultivating an expansive, vibrant base of support for human rights education (HRE) within the United States. Consistent with our opposition to all forms of discrimination, we commit to dismantling systemic racism and confronting white supremacy that manifests itself across our nation.” As a core guiding principle, “HRE USA is committed to the basic human rights principles of human dignity, equality, and non-discrimination as articulated in the [United Nations Universal Declaration of Human Rights](#). In accordance with these principles, we value diversity, inclusiveness, transparency, and consensus-based decision making and commit to treating each other with dignity, integrity, caring and respect in all our undertakings.”¹ HRE USA advocates for the full integration of human rights education (HRE) into both school-based education and to the professional education and training of adults, particularly those whose positions affect the ways our public institutions support or suppress equity, social justice and societal inclusion.

The United States has played a pivotal role in global commitments to human rights, ever since Eleanor Roosevelt chaired the committee within the newly formed United Nations that developed and secured UN approval of the Universal Declaration of Human Rights. Unfortunately, the United States has tended to look outward rather than inward in its human rights advocacy, with the result that while the United States regularly calls other nations to account for their human rights record, we too often fail to apply the human rights standards we apply globally to our own domestic performance. Even when US domestic policies address issues of equity, social justice, racial reconciliation and other areas of policy and practice with human rights roots and expectations, the language of both operational policies and the statements of leading governmental officials typically fail to use human rights criteria or even, alas, to speak the phrase “human rights.”

This commenter recently participated in a roundtable conducted by the U.S. State Department to gather input for the US report to the UN Committee on Elimination of Racial Discrimination regarding US compliance with the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), a treaty which the US has fully ratified and committed to honor since 1994. At that roundtable, although this commenter and several others specifically requested at U.S. commitment to domestic compliance with our human rights obligations, the representatives of the various federal agencies participating in the roundtable managed to respond, positively, smilingly, but without actually including the phrase “human rights” in their responses. Nor did any official representative of any agency commit to using internationally recognized human rights

¹ From the HRE USA website, hreusa.org/about

standards in their responses to comments and recommendations of roundtable participants. What are we afraid of?!

In regard to Domestic Implementation of human rights treaty obligations generally, the United States in the reports submitted to the Universal Periodic Review in the Second UPR Cycle in 2015 stated its commitment to “combating discrimination and hate crimes and promoting tolerance,” in ways and through existing laws which, the US statement assured are “consistent with our CERD obligations.” The most recent US report to the Committee on the Elimination of Racial Discrimination contains multiple statements of the U.S.’ commitment to equity and the elimination of racially-disparate outcomes in education, housing, health, law enforcement, etc.

However,, nowhere in the U.S. report, or, as best can be determined, any previous reports to CERD or UPR, does the U.S. Government make a clear commitment to support its own treaty obligations to educate the civil population about the human rights obligations that have been undertaken in their name or to employ a human rights educated workforce in its key agencies, programs, etc. There is some acknowledgement of the need for some rehabilitative education in human rights and social justice in areas of particularly egregious abuse, such as in correctional institutions, law enforcement, etc. However, remediation after atrocity is no substitute for operating government agencies and programs with an awareness of human rights principles and a commitment to globally recognized human rights standards. We suggest that the effort being undertaken through the initiative that is the subject of this RFI to build across all agencies of government a fundamental understanding of and commitment to the principles of universal human rights which underlie all commitments to equitable, humane, just, and compassionate treatment of every person.

CERD, Article 2 actually calls for the kind of analysis that is being undertaken in this RFI.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

CERD, Article 7, commits the United States as a signatory state party to use the tools of education and the principles of the Universal Declaration of Human Rights to educate the civil population, both in academic settings and in operational fields about the fundamental principles of human rights to strengthen the societal commitment to eliminate racial discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

It is somewhat frustrating, although not surprising given US history on this subject, that the RFI does not reference CERD. Nor does it include the phrase “human rights.”

RECOMMENDATIONS IN RESPONSE TO THE RFI “TO SUPPORT AGENCIES AS THEY CONDUCT INTERNAL ASSESSMENTS ON THE STATE OF EQUITY IN THEIR POLICIES, PROGRAMS, SERVICES, PROCESSES, AND OPERATIONS”

This RFI includes 5 Areas of engagement and suggests generative questions under each area. HRE USA in our comments make specific recommendations in regard to three areas, choosing one question posed by the RFI for each area:

Area 1: Equity assessments and strategies:

- How might agencies build capacity and provide training and support for teams conducting

Area 2: Barrier and Burden Reduction

- How might an agency assess or balance prioritization of potentially competing values associated with program administration, such as program uptake, program integrity, privacy protection, and resource constraints, in the context of addressing equity for underserved individuals and communities?

Area 5: Stakeholder and Community Engagement

- What tools and best practices might agencies deploy to establish advisory boards, task forces, and commissions that are inclusive of underserved communities?

HRE USA proposes that the U.S. Government undertake the establishment of a permanent body within or affiliated with the Federal government, and including representatives of “a broad array of stakeholders in the public, private, advocacy, not-for-profit, and philanthropic sectors, including State, local, Tribal, and territorial areas” to coordinate the analyses, education, training and policy development necessary throughout all levels of government to achieve the standards of equity, racial justice, attention to underserved communities envisioned by Executive Order 13985.

This is not a novel recommendation. In fact, the UN Committee on the Elimination of Racial Discrimination, in its General Recommendation 17, has long urged “the establishment of national institutions to facilitate the implementation of the Convention (Forty-second session, 1993), U.N. Doc. A/48/18 at 116 (1994) “to serve the following purposes:

- (a) To promote respect for the enjoyment of human rights without any discrimination, as expressly set out in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination;
- (b) To review government policy towards protection against racial discrimination;
- (c) To monitor legislative compliance with the provisions of the Convention;
- (d) To educate the public about the obligations of States parties under the Convention;
- (e) To assist the Government in the preparation of reports submitted to the Committee on the Elimination of Racial Discrimination;

It should be noted that this CERD recommendation occurred at approximately the same time that the U.S. Senate was consenting to the ratification of ICERD. It should also be noted that in every “town hall,” “roundtable,” or other invitation for public comment that the U.S. State Department has conducted in the past decade at least, the civil society participants have consistently identified the need for a federally-established national institution with civil society involvement to address across all areas of government and public life the steps needed to meet the expectations for equity, racial justice, and social justice generally that arise from and

are reinforced by universal principles of human rights as expressed in the UDHR and in the human rights treaties that the U.S. has already ratified.

It is certainly possible to run a variety of separate programs in separate agencies to address issues of equity, racial justice, human rights. However, such scattered efforts have not produced systemic improvement in equity and the U.S. human rights record in the past. Executive Order 13985 provides a perfect opportunity to commit the United States to internalizing the human rights commitments we expect of other nations and that our own people deserve. ICERD, Articles 2 and 7 and the CERD recommendation for establishment of a national human rights oversight body would be a more lasting, effective and efficient way to accomplish these objectives.

Comments, queries and responses to this statement should be directed to:

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