



# THE UNITED STATES AND UN HUMAN RIGHTS TREATIES

Information provided by the Women's International League for Peace and Freedom, US Section (WILPF US)

**CRC Protocols:** *The U.S. Senate has, however, under George W. Bush, ratified the two optional protocols to the CRC. One prohibits sale of children, child prostitution or child pornography and the other deals with child soldiers (Optional Protocol on Children in Armed Conflict, or OPAC). In 2008, WILPF submitted a shadow report on US compliance with OPAC pointing out that military recruitment practices among children, including in the schools, falls short of duties under the treaty. The UN Committee overseeing the OPAC agreed and WILPF now seeks legislation to enforce US compliance. See [www.wilpf.org/counter\\_recruitment\\_strategies](http://www.wilpf.org/counter_recruitment_strategies).*

## 6) CONVENTION AGAINST TORTURE AND OTHER CRUEL OR DEGRADING TREATMENT (CAT), 1984

**Summary:** This Treaty carries forward the promises in the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights to eliminate torture and cruel and inhuman punishment. Its 33 articles are more specific than is the eighth amendment to the U.S. Constitution prohibiting "cruel and unusual punishment."

**Status:** Entered into force on June 6, 1987. As of April, 2008, 145 nations had ratified the Treaty. Nine other states have signed but not ratified.

**U.S. Position:** *The U.S. ratified in 1994. The Senate passed an Act which implements Article 3 prohibiting transfer of any person to another state where there is evidence he or she would be subject to torture. There is mounting evidence that the current Administration has violated the treaty with both rendition and actual torture.*

**ADDITIONAL HUMAN RIGHTS TREATIES:** WILPF supports the additional HR treaties including the **Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**. Join WILPF and work with us to make human rights a reality for all!

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Six major UN Human Rights Treaties grew out of the *Universal Declaration of Human Rights*. The UDHR, adopted and proclaimed by the UN General Assembly on December 10, 1948, presents a comprehensive vision of human rights for all peoples of the world. As a declaration it has been almost universally recognized, but it lacks the force of law of ratified treaties.

The UDHR, however, has since been codified in a series of Conventions, or Treaties, ratified by the majority of the world's nations. They are now among the 15 core UN human rights treaties and their protocols which form the body of international human rights law enforceable in domestic courts and international fora. The majority of nations have ratified the six major Treaties listed here. Nations joining the European Union must ratify all six of these treaties and their associated protocols.

- *The United States has ratified only three of these six treaties which codify the UDHR into law. These three are now, under our constitution, the supreme law of our land, and once domesticated can be enforceable in U.S. courts.*
- *The United States has, sadly, not yet ratified the three other major UN human rights treaties derived from the Universal Declaration of Human Rights. Until our Senate does ratify them our country cannot claim to be a leader in promoting human rights at home or globally.*

## 1) THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), 1966

**Summary:** This Covenant codifies the first 20 Articles of the Universal Declaration into international law. It defends the right to life of persons and stipulates that no individual can be subjected to torture, enslavement, forced labor and arbitrary detention, or be restricted from such freedoms as movement, expression and association.

**Status:** The treaty entered into force in 1976. As of October 2008, 162 nations had ratified the treaty. China and Cuba are among the eight governments which have signed but not yet ratified.

**U.S. Position:** *President Jimmy Carter signed this treaty in 1977, and the Senate finally ratified it in 1992. Although under the U.S. Constitution, the treaty should have become the law of our land, the U.S. has added reservations limiting its application and requires implementing legislation to make the treaty provisions enforceable in U.S. courts.*

**ICCPR Protocols:** *The United States has not ratified the two additional protocols to the ICCPR: one adding enforcement mechanisms, allowing individuals to file complaints against the state, and the other outlawing the death penalty. European and many other countries will not extradite prisoners to the United States because of the threat of being subject to a death penalty sentence.*

## 2) INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR), 1966

**Summary:** This Covenant codifies the last 10 articles of the Universal Declaration as international law. It provides for equal rights for men and women, and rights to self determination, to work and favorable conditions of work, to form and join trade unions, to social security and social insurance, to an adequate standard of living, to the highest attainable standard of physical and mental health, to education, to take part in cultural life, and to the benefits of scientific progress and its applications.

**Status:** Entered into force in 1976. As of September, 2008 there were 159 states parties. Six countries, including the United States, have signed but not yet ratified.

**U.S. Position:** *In 1977 President Jimmy Carter signed this Treaty, which elaborates on Franklin D. Roosevelt's Freedom from Want principle. The U.S. Senate has not yet ratified it. During the cold war capitalist countries, like the U.S., generally resisted this treaty claiming it would require "socialist" investment in healthcare and housing. Today, however, all European countries have ratified the ICESCR.*

## 3) CONVENTION ON ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD), 1966

**Summary:** This Treaty prohibits any discrimination against persons on the basis of race, color, or national origin.

**Status:** Entered into force in 1969. 173 countries have now ratified.

**U.S. Position:** *The U.S. ratified the Treaty in 1994. In March 2008, the UN Committee overseeing the CERD's implementation reviewed U.S. compliance with this treaty. In addition to the treaty review process, the U.S. participated in the 2001 World Conference Against Racism in Durban, but walked out along with Israel over disagreements over the characterization of "Zionism" as a form of racial discrimination. The U.S. will not participate in the 2009 follow up Review Conference.*

## 4) CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), 1979

**Summary:** This Treaty carries forward the Universal Declaration's promise of equal rights for men and women. It ensures women's equal rights before the law, including rights to nationality, participation in politics, education, employment, health, and economic and social benefits. It seeks to eliminate discrimination against women in marriage and family life and affirms women's reproductive health.

**Status:** Entered into force in 1981. As of 2008 185 nations had ratified the treaty. Only seven, including the United States, have not ratified.

**U.S. Position:** *President Jimmy Carter signed in 1980. The treaty has been considered in Congressional Committees, but has never been reported to the U.S. Senate floor for a ratification vote.*

## 5) CONVENTION ON THE RIGHTS OF THE CHILD (CRC), 1989

**Summary:** This is the world's most popular treaty with the most highly developed provisions for monitoring of step-by-step progress toward full enforcement. It extends the rights and protections of the Universal Declaration to children in all areas, including within a family, and ensures that children, as full human beings, have the right to a say in their own destiny and development.

**Status:** All UN member countries except the U.S. and Somalia (which suffers from a lack of a functioning central government) have ratified this treaty.

**U.S. Position:** *President Clinton signed the CRC in 1995. The Senate has not yet ratified the CRC. There is strong resistance to the Treaty from those who see it as interfering with parental rights to control their own children.*

