

Statement of  
**The Honorable Richard J. Durbin**

United States Senator  
Illinois  
December 16, 2009

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"The Law of the Land: U.S. Implementation of Human Rights Treaties"  
Hearing of the Human Rights and the Law Subcommittee  
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This hearing of the Human Rights and the Law Subcommittee will come to order. The title of today's hearing is "The Law of the Land: U.S. Implementation of Human Rights Treaties." This is the first-ever Congressional hearing on U.S. compliance with our human rights treaty obligations.

Last Thursday, December 10th, was the 61st anniversary of the Universal Declaration of Human Rights. Eleanor Roosevelt, the architect of the Universal Declaration, once said, and I quote, "Where, after all, do universal human rights begin? In small places, close to home. ... Unless these rights have meaning there, they have little meaning anywhere."

That is the focus of today's hearing. Every year, the State Department issues a report assessing the human rights records of other countries. But what about our own human rights record? Today we will ask: What is the United States doing to comply with human rights treaties that we have ratified? What are we doing to protect human rights at home?

Since Eleanor Roosevelt's time, the United States has been the world's leading human rights champion. We played a leading role in drafting the first human rights treaties. These founding documents of the international human rights movement drew their inspiration from the Declaration of Independence's promise that all people are created equal and endowed with certain unalienable rights.

More recently, the United States has ratified a number of human rights treaties with strong bipartisan support. And Congress has passed important legislation to implement these treaties. For example, last year this Subcommittee produced the Child Soldiers Accountability Act, which makes it a federal crime and immigration violation to recruit or use child soldiers. This implements part of our obligations under the Optional Protocol on the Involvement of Children in Armed Conflict.

It is conventional wisdom that Democrats and Republicans are bitterly divided over human rights issues. While we may disagree on issues like Guantanamo Bay, it is notable how much consensus there is on human rights treaties.

Democrats and Republicans alike agree that we must make every effort to comply with the legal obligations we undertake when we ratify a human rights treaty. Indeed, under our Constitution, these treaties are part of the supreme law of the land.

Democratic and Republican Administrations alike monitor and report on U.S. compliance with our human rights treaty obligations. In fact, it was the Bush Administration that brought the United States up to date with our human rights treaty reporting requirements for the first time. After a thorough interagency process, the Bush Administration filed comprehensive reports with the relevant United Nations committees on U.S. compliance with a number of human rights treaties.

The Bush Administration also began preparations for the first-ever Universal Periodic Review of the United States, which will take place next year. Under the Universal Periodic Review, the UN Human Rights Council reviews the human rights record of all 192 UN member countries every four years.

I have been critical of the previous Administration's detainee policies, but I want to commend them for their efforts on treaty reporting. The Obama Administration is building on this record. It is my understanding that the current Administration will follow a similar interagency process for monitoring treaty compliance and reporting. And the Administration has committed to keeping the United States up to date with its reporting requirements, including the Universal Periodic Review. I look forward to hearing more about the Administration's plans today.

But reporting alone is not enough.

We have to look ourselves in the mirror and ask the difficult questions. Let's take one example. Today in the United States, more than 2.3 million people are imprisoned. This is - by far - the most prisoners of any country in the world and - by far - the highest per capita rate of prisoners in the world. And African Americans are incarcerated at nearly six times the rate of whites. These are human rights issues that we must address.

I also want to acknowledge Congress's shortcomings. Frankly, we have abdicated our oversight responsibilities when it comes to human rights treaties. Congress has not held a single hearing on U.S. compliance with the human rights treaties that we have ratified. Hopefully today's hearing will be a small step in the right direction.

Why is it important to comply with our human rights treaty obligations? It is not because we fear the judgment of the United Nations. Democrats and Republicans alike agree that some UN criticisms of the United States go too far.

We take our treaty obligations seriously because it is who we are. The United States is a government of laws, not people, and we take our legal commitments very seriously.

Complying with our treaty obligations also enhances our efforts to advocate for human rights around the world. The reality is that the Universal Declaration of Human Rights remains an unfulfilled promise for many, from rape victims in Eastern Congo and Bosnia, to child soldiers in Burma and Colombia, and from the oil fields in the Niger Delta and Ecuador to the internet cafes

in Beijing and Havana. But with leadership from the United States, we can make universal human rights a reality - both close to home, and around the world.