THE LOCAL TURN IN U.S. HUMAN RIGHTS:
INTRODUCTION TO THE SPECIAL
SYMPOSIUM ISSUE

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Human rights in the United States are at an inflection point, and the orientation is local. In the wake of the 2016 presidential election and renewed threats to human rights and democratic institutions, state and local officials and human rights advocates are working locally to resist harmful federal policies and to fill the gaps in federal civil rights enforcement. Indeed, safeguarding and securing human rights at the local level has more urgency than ever. Near-daily protests and demonstrations, which consistently invoke human rights language and framing, illustrate the breadth of rights at stake.1 Human rights were front and center at the women’s marches that erupted across the country in January of 2017.2 Black Lives

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1. See, e.g., Brian Dooley, Trump’s Muslim Visa Ban Galvanizes Protests, HUFFINGTON POST (Jan. 29, 2017), http://www.huffingtonpost.com/entry/trumps-muslim-visa-ban-galvanizes-protests_us_588e5b9ae4b0636f4bb1e271c (describing how the executive order signed by President Trump suspending visas and immigrant and non-immigrant entry from seven predominantly Muslim countries sparked demonstrations of opposition nationwide, calling for the protection of human rights).

Matter and the Movement for Black Lives have embedded human rights into their approaches. And recent efforts to repeal the Affordable Care Act (ACA) have sparked public support for healthcare as a human right across the United States.

As rights protections are increasingly threatened, many states and local governments are stepping in, often echoing support for human rights. For example, Minneapolis Mayor Betsy Hodges grounded her call to reject the repeal of the ACA in human rights, stating that it "is immoral that anyone in America would be without affordable access to healthcare, which is [one of] the most basic of human rights." The National League of Cities has noted the negative human rights implications of state laws that preempt these progressive local policies.

Of course, state and local governments have long played an important role in bringing the United States into compliance with its international human rights commitments. But in recent years, the role of local governments has taken on greater significance, as an increasing number of state, city, county, and municipal level officials embrace a proactive human rights approach, develop new tools and techniques to address local problems, and influence local, state, and national policy. Lawyers and advocates, too, are initiating, encouraging, and promoting innovative efforts to "bring human rights home." This special issue of the Columbia Human Rights Law Review explores the localization of human rights in greater depth.

3. See Errin Haines Whack, Black Lives Matter Joining Forces with Minimum Wage Activists for Nationwide Protests, CHI. TRIB. (Mar. 24, 2017), http://www.chicagotribune.com/news/nationworld/ct-black-lives-matter-minimum-wage-activists-20170324-story.html (discussing how Black Lives Matter activists are making linkages between racial justice and economic equality and working across issues to advance these causes in partnership with a range of allies); Community Control, MOVEMENT FOR BLACK LIVES, https://policy.m4bl.org/community-control/ (last visited Sept. 27, 2017) (emphasizing the need for community control in order to ensure the human right to an education and calling for human rights-based participatory budgeting to "ensure that resources are raised equitably and follow the needs and fulfill the full human rights of Black communities").


Well before the 2016 presidential election, the Columbia Law School Human Rights Institute committed to focusing its Bringing Human Rights Home Lawyers Network's annual symposium on strategies for localizing human rights. For over ten years, the Institute has worked in partnership with state and local officials and with advocates to cultivate local implementation of human rights. The Institute has engaged with state and local officials to improve human rights accountability, address inequality, and promote racial, gender, and ethnic justice and inclusion. The Institute has also worked with human rights advocates to develop advocacy strategies to strengthen local human rights protections.

In this time, we have witnessed inspiring new examples of state and local human rights strategies, embraced by officials and advocates alike. State and local human rights commissions, mayors, city council members, and state attorneys general increasingly recognize the potential of a human rights framework to promote equity, combat discrimination, and foster participatory governance. U.S. human rights lawyers, in partnership with impacted communities, are increasingly drawing on human rights norms and

7. See COLUMBIA LAW SCH. HUMAN RIGHTS INST., GENDER EQUITY THROUGH HUMAN RIGHTS: LOCAL EFFORTS TO ADVANCE THE STATUS OF WOMEN AND GIRLS IN THE UNITED STATES 7-12 (2017) (recognizing the efforts of city officials who adopted CEDAW-based ordinances to fight discrimination against women); see also COLUMBIA LAW SCH. HUMAN RIGHTS INST., USING HUMAN RIGHTS ASSESSMENTS IN LOCAL GOVERNANCE: A TOOLKIT FOR STATE AND LOCAL HUMAN RIGHTS AND HUMAN RELATIONS COMMISSIONS 6-7 (2014) (describing how different jurisdictions use human rights principles to analyze their policies and to fight discrimination); COLUMBIA LAW SCH. HUMAN RIGHTS INST., BRINGING HUMAN RIGHTS HOME: HOW STATE AND LOCAL GOVERNMENT CAN USE HUMAN RIGHTS TO ADVANCE LOCAL POLICY 9-23 (2012) (discussing the way that cities have adopted human rights to guide their policies moving forward); JoAnn Kamuf Ward, From Principles to Practice: The Role of U.S. Mayors in Advancing Human Rights, in GLOBAL URBAN JUSTICE: THE RISE OF HUMAN RIGHTS CITIES 81 (Barbara M. Oomen, Martha F. Davis & Michele Grigolo eds., 2016) (noting how mayors can use human rights principles in their cities); see also COLUMBIA LAW SCH. HUMAN RIGHTS INST., BRINGING HUMAN RIGHTS HOME: THE BIRMINGHAM MAYOR’S OFFICE HUMAN RIGHTS DIALOGUE 2–3 (2015) (stating that mayoral support for a human rights framework is growing); Rita E. Kaufman, State and Local Commissions as Sites for Domestic Human Rights Implementation, in HUMAN RIGHTS IN THE UNITED STATES: BEYOND EXCEPTIONALISM 89 (Shareen Hertel & Kathryn Libal eds., 2011) (describing how local government commissions implement human rights into their decision making); Lisa Madigan, Att’y Gen., III., Remarks at the Human Rights in the U.S. Symposium (May 19, 2017), 49.1 COLUM. HUM. RTS. L. REV. 12 (2017) (describing the role of state attorneys general and the strategies they can use to address human rights issues).
using human rights tactics to shine an international light on local human rights concerns.\(^8\) Indeed, human rights increasingly resonate as a framework for meaningful change and appear as a core component of advocacy. State and local governments, along with human rights advocates in the United States, are engaged in an ongoing project of human rights innovation—developing and testing new approaches and methodologies to advance human rights principles.

Despite the state and local human rights activity across the United States, many challenges to comprehensive local human rights implementation remain. Efforts to promote and protect human rights lack the coordination and resources necessary to ensure their sustainability. The federal government—ultimately responsible for ensuring human rights compliance—has a central part to play in supporting and facilitating state and local government efforts to monitor and implement human rights for all on an equal basis.\(^9\) During the Obama administration, state and local actors specifically requested federal support for human rights efforts, including a federal focal point to communicate with state and local governments about human rights, education, and training on human rights, as well as tangible resources and support for state and local human rights implementation.\(^10\) Independent U.N. human rights officials have

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10. *See id.* at 32–38 (offering detailed recommendations for the federal government to encourage and facilitate more comprehensive state and local human rights monitoring and implementation in a joint submission by state and
ECHOED THE CALL FOR A MORE ROBUST U.S. HUMAN RIGHTS INFRASTRUCTURE.11 While the federal government stepped up its state and local human rights-related outreach prior to the 2016 election,12 the momentum

local human rights agencies and the Human Rights Institute to the Human Rights Committee); see also Letter from Ralph Becker, Mayor, Salt Lake City, Utah et al., to Hon. Hillary Rodham Clinton, U.S. Sec'y of State (Mar. 24, 2011) (on file with Columbia Law School Human Rights Institute) (requesting "assistance in developing an understanding of state and local governments' obligations under human rights treaties ratified by the United States, as well as relevant international, regional and national human rights mechanisms. In particular, dedicated staff, education, training, and funding is essential to help...fully comprehend and engage with the obligations that state, county and municipal governments are expected to undertake.").


and progress achieved to date may be lost in the coming years, and
ever-present gaps in resources and human rights awareness persist.
At the national level, there appears to be little appetite to ground
policy squarely in human rights terms, and U.S. tendencies toward
isolationism are increasingly reflected in the political discourse.13
Doctrinal challenges, such as the threat of federal and state
preemption, now loom large.

It was with this backdrop that the Columbia Law School
Human Rights Institute gathered over 150 human rights lawyers,
advocates, academics, and local, state, and federal officials for a full-
day symposium in May 2017 to explore the renewed relevance of
human rights implementation at the state and local level in the
United States. With our co-sponsoring organizations—the Columbia
Human Rights Law Review, the Northeastern University School of
Law Program on Human Rights and the Global Economy, and the
National Economic and Social Rights Initiative—we sought to
examine effective and creative strategies for localizing human rights,
and to develop a collective understanding of the current challenges.

In this special issue, we delve more deeply into the questions
raised during the in-person Symposium. The goal of this issue is to
explore with greater specificity some of the challenges and
opportunities that arise in advancing human rights policy and
practice at the local level. What roles do government officials and civil


13. See Rex W. Tillerson, U.S. Sec'y of State, Remarks to U.S. Department of State Employees (May 3, 2017), https://www.state.gov/secretary/remarks/2017/05/270620.htm (failing to mention human rights, and instead noting that "freedom, human dignity, [and] the way people are treated" are "our values . . . not our policies"); Colum Lynch, Tillerson Has Little Time for the United Nations, FOREIGN POLICY (Mar. 3, 2017), http://foreignpolicy.com/2017/03/03/tillerson-has-little-time-for-the-united-nations/ (describing Secretary Tillerson's disengagement with the United Nations, and offering examples of how the approach flouts the Secretary of State's traditional role of meeting with high level U.N. officials and developing clear policies on issues the United Nations is confronting); Stephen Collinson & Nicole Gaouette, Trump Defies Globe to Claim a Political Win, CNN: POLITICS (June 2, 2017, 6:45 AM), http://www.cnn.com/2017/06/02/politics/donald-trump-paris-accord-climate-politics/index.html (reporting on President Trump's announcement that the United States will pull out of the Paris climate accord and the ways that position reflects a broader trend of isolationism).
Introduction

society play in localizing human rights? What is the potential impact of using human rights standards and strategies in local organizing, policy advocacy, and litigation? What are the benefits and challenges of local government engagement with the U.N.? What structures and approaches are needed to fulfill the promise of human rights? How can advocates ensure that the victories achieved are implemented in a meaningful way?

The collection of submissions in this volume addresses these questions from different angles and perspectives. Reflecting the primacy of cities in raising local human rights concerns to the international stage, multiple pieces focus explicitly on cities as sites for advancing human rights both in the United States and globally. Several pieces drill down even further, zeroing in on the role of particular government actors, forums, and frameworks for advancing human rights in specific local contexts to strengthen protections related to water and sanitation, migrant and refugee rights, persons living with disabilities, gender equality, and racial and ethnic discrimination.

Illinois Attorney General Lisa Madigan's remarks at the symposium provide valuable insight into the specific ways that state attorneys generals can affirmatively and proactively work to advance civil and human rights and the range of tools at their disposal.14 Describing the Illinois State Attorney General's office as "the state's largest public interest law firm," Madigan makes the case for the power of civil society and government partnerships in effectuating positive change, highlighting examples from her work related to immigration, criminal justice reform, and consumer protection.15 As she recounts, state attorneys general have authority to pursue investigations, initiate lawsuits, draft amicus briefs and opinions, advocate for legislation, convene community stakeholders, develop educational materials and trainings, and advance progressive positions through testimony, press conferences, and press releases.16 Madigan invites social justice advocates to view state attorneys general as "a secret weapon" and to strategically engage with attorneys general where the conditions are ripe.17

In his remarks at the conclusion of the symposium, Mayor William Bell of Birmingham, Alabama also emphasized the

15. Id. at 13.
16. Id. at 24–25.
17. Id. at 25.
importance of partnerships in effectively promoting human rights and highlighted the unique status of mayors in efforts to tackle today's pressing human rights issues.\textsuperscript{18} Mayors are on the front lines of meeting community needs and addressing the individual impact of human rights issues—such as lack of access to clean drinking water—and developing workable solutions.\textsuperscript{19} It is based on this perspective that Democratic and Republican mayors across the country have come together in the face of a partisan gridlock in Washington to question federal efforts that infringe on basic rights regarding immigration, the environment, and criminal justice, and to stand up for policies that protect basic rights, and promote human dignity.\textsuperscript{20} Bell highlights that in this current political moment, “we have to collaborate and work together at all levels of government” to make a positive difference and ensure all of us are able to exercise our civil and human rights.\textsuperscript{21}

In the opening scholarly piece, Professor Martha Davis offers a fresh perspective on the relevance of human rights principles to city governance and invites a more design-oriented approach to city engagement with human rights.\textsuperscript{22} Davis focuses on one structural barrier to local implementation of human rights: the fact that cities were not initially conceived of as human rights interlocutors on the national or international stage.\textsuperscript{23} As a result, there are both practical barriers to city engagement with the United Nations and legal impediments to cities operationalizing human rights, including preemption.\textsuperscript{24} To address these “vertical” challenges, Davis suggests drawing upon innovations in “design thinking” and offers several ways that employing this lens can shape how cities more robustly engage with human rights principles.\textsuperscript{25} To enhance their influence, Davis suggests that cities form horizontal alliances to build power across jurisdictions (locally and nationally), and develop clearer avenues of engagement between local and international institutions.\textsuperscript{26}

\begin{thebibliography}{99}
\bibitem{19} \textit{Id.} at 231.
\bibitem{20} \textit{Id.}
\bibitem{21} \textit{Id.}
\bibitem{23} \textit{Id.} at 37.
\bibitem{24} \textit{Id.} at 48–56.
\bibitem{25} \textit{Id.} at 56–64.
\bibitem{26} \textit{Id.} at 57–60.
\end{thebibliography}
A design-centered approach might also lead cities to re-imagine their role vis-à-vis their own residents, including how to capture resident concerns and work towards more participatory solutions.27 Davis highlights the human rights cities movement and city coordination around the Paris Climate Agreement as spaces where local innovation reflects human rights principles and a more design-inspired approach. She also urges advocates to continue to “position human rights as a design imperative” in order to push the boundaries of what it means to promote and protect human rights locally.28

Taking an alternative approach to the relationship of human rights and cities, Michele Grigolo applies a sociological lens to highlight how human rights can enhance local governance.29 Drawing on the experience of European cities, with a focus on initiatives related to social inclusion, economic development, and security, this piece also delves into the compatibilities and tensions between human rights principles and the role of local government.30 Grigolo’s conclusion that city-level engagement influences the meaning of rights informs his cautionary note that human rights can be used both to expand rights protections and to constrain social change.31 It is therefore critical to understand the motivations behind human rights initiatives and the context in which they are employed. Rights are not static, but evolving, and civil society and local government influence how these principles impact our communities in practice.32

Risa Kaufman builds upon the discussion of human rights praxis to explore the opportunities that the 2030 U.N. Sustainable Development Agenda offers for advancing human rights at the local level.33 The 2030 Agenda, which was adopted in 2015 by the United Nations as a universal vision for eradicating extreme poverty around the globe, is guided by and explicitly grounded in human rights.34 As Kaufman explains, although the current U.S. political climate leaves the fate of national implementation of the Agenda and the Sustainable Development Goals (SDGs) unknown, the SDGs

27. Id. at 62–64.
28. Id. at 66.
30. Id. at 71–76.
31. Id. at 76, 98.
32. Id. at 98–99.
34. Id. at 100–01.
maintain strong relevance at the local level.\textsuperscript{35} Kaufman’s article asserts that the SDGs, with their explicit grounding in human rights, offer new opportunities for localities and advocates within the United States to advance human rights locally.\textsuperscript{36} She suggests three process-oriented principles to guide cities and states in their local implementation, follow-up, and review of the Goals, as a means of deepening respect for human rights at the local level.\textsuperscript{37}

U.S. state and local human rights commissions were early adopters of human rights as a framework to advance dignity, equality, and opportunities at the subnational level. JoAnn Kamuf Ward’s piece drills down on how these commissions are responding to the spike in bias, xenophobia, and hate ushered in during the 2016 presidential election.\textsuperscript{38} It draws parallels between commissions’ current efforts to respond to and resist the normalization of fear, distrust, and discrimination and the commissions’ initial emergence as bodies to address racial tensions and monitor compliance with civil rights laws.\textsuperscript{39} Looking ahead, Kamuf Ward calls on commissions to ground their work more squarely in international human rights principles. She further calls on the commissions to translate recommendations from the United Nations into local practice by incorporating international human rights principles into their legal and policy advocacy, awareness-raising and outreach, and data collection, working in partnership with diverse stakeholders in their local jurisdictions.\textsuperscript{40}

Exploring “America’s Dirty Secret,” Inga Winkler and Catherine Flowers discuss the power of international human rights standards and strategies to advance the right to sanitation in Alabama’s Black Belt.\textsuperscript{41} Winkler, a human rights scholar and former Legal Advisor to the U.N. Special Rapporteur on the Human Rights to Water and Sanitation, and Flowers, a long-time social justice advocate and Founder and Executive Director of the Alabama Center for Justice, explore how international human rights standards and strategies can be implemented in the United States. Their work highlights the potential of international human rights approaches to address local challenges and advance human rights.

\textsuperscript{35} Id. at 101–02.
\textsuperscript{36} Id. at 128.
\textsuperscript{37} Id. at 117–128.
\textsuperscript{39} Id. at 154–57.
\textsuperscript{40} Id. at 163–81.
for Rural Enterprise, provide an in-depth analysis of the sanitation crisis in Lowndes County, Alabama.\(^\text{42}\) There, entrenched poverty and persistent racial inequalities are reflected in unequal access to sanitation and waste water management.\(^\text{43}\) The result is the criminalization of inadequate sanitation and a resurgence of parasitic and tropical diseases linked to poor sanitation.\(^\text{44}\) Winkler and Flowers explore how residents and advocates in Lowndes County are connecting with human rights advocates around the country to strategically engage international and regional human rights mechanisms to raise awareness of the situation in rural Alabama.\(^\text{45}\) In so doing, these advocates are localizing the human right to sanitation while influencing its normative development.\(^\text{46}\)

At this particular moment in U.S. history, state and local officials and human rights advocates play an increasingly vital role in bringing human rights home. The pieces in this volume offer a range of ways to expand the scope and impact of current efforts to orient and implement human rights locally. As many of the authors note, long-term successful advancement of human rights will require new messages, innovative strategies, and previously untested alliances. These efforts can and should emanate from local communities. And they must ultimately transcend local, national, and international borders. As cities and states innovate, human rights lawyers and advocates must scale their efforts and expand their reach to ensure that local progress is sustained and replicated wherever harmful laws and policies surface.

\(^{42}\) Id.
\(^{43}\) Id. at 185–99.
\(^{44}\) Id. at 191–93.
\(^{45}\) Id. at 221–27.
\(^{46}\) Id.