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Consider Russia’s war on Ukraine and the ensuing human rights catastrophe. In the immediate aftermath, several U.S. states issued Executive Orders to amplify, and in some cases build upon, federal sanctions targeting the Russian regime for its violations of human rights and international law. Taken together, these orders – issued by California, Colorado, New Jersey, New York, Ohio, Utah, Vermont – terminated or banned contracts with entities doing business in Russia, prohibited purchases of certain Russian goods, required reporting by government contractors of actions they have taken in response to the war, and called for divestment of public pension funds.

As this example shows, the new wave of human rights is local. U.S. state and local actions to advance human rights can be swift, wide-ranging, and a useful tactical tool for advancing progress on human rights locally and globally.

Why Human Rights Matter to U.S. States and Localities

U.S. state and local governments engage in human rights policy-making that may extend beyond their borders for several reasons: because human rights policies often make good political, practical, and moral sense.

First, politics. Many U.S. states and localities are home to a significant number of foreign-born and first-generation residents. These constituents often expect their governments to defend their rights both locally and internationally – for instance, by publicly recognizing the Armenian genocide or divesting public funds from apartheid South Africa. Securing the support of these constituents can be important for securing support in state and local elections.

Julia Spiegel, Deputy Legal Affairs Secretary, California Governor Gavin Newsom’s Office (*in personal capacity)

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Local action to advance human rights can matter for federal politics too. When subnational governments take a strong stand on a human rights issue, they send a signal to the U.S. federal government about their expectation (or at least hope) that their federal counterparts will act in a similar manner. Localities can be important human rights bellwethers, and the federal government would be wise to follow their lead.

Second, pragmatism. Good governance often requires U.S. states and localities to tackle human rights in some form. Many of the biggest challenges governments currently face – from the climate crisis to securing data privacy – bear directly on human rights in the United States and abroad. Governments often cannot tackle these challenges without considering what actions, and legal paradigms, will best protect the most vulnerable among us.

Furthermore, as the levels of government closest to the people they serve, localities may take stronger, clearer, and swifter stances on human rights issues than the often slower-moving branches of the federal government.

Third, morality. Many constituents in the U.S. care about human rights. They expect their governments to demonstrate moral leadership – and to use their economic might – to support human rights within and beyond their borders, as with the response to Russian aggression in Ukraine.

How U.S. States Localities Can Advance Human Rights

If human rights matter to U.S. states and localities, how can they effectively advance those rights locally and globally?

- **Legislation**: Legislation is one of the most common ways in which subnational governments seek to bolster human rights at the local level. Bills, if enacted, carry the force of law and therefore can serve as a powerful, concrete tool to promote human rights.

  - In 2014, for example, California was the U.S. state to sign a comprehensive human rights accountability bill. The bill defines crimes against humanity and offers survivors of human rights abuses an extended period of time in which to file their claims, expanding the availability of California courts to prosecute human rights crimes committed abroad. The bill passed through the state legislature with overwhelming bipartisan support. California more recently enacted Assembly Bill 1801 (2022), making Armenian Genocide Remembrance Day a statewide holiday – an issue of great import to California’s large Armenian diaspora and their supporters. New York City has embraced an expansive legislative approach to human rights, enacting its own Human Rights Law and creating a Commission dedicated to enforcing it. Although not expressly tied to international human rights law, New York City’s law shares a number of anti-discrimination principles with global human rights treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
Legislation can also be used to press for federal action on human rights. Cities for CEDAW, for example, advocates for localities to adopt measures reflecting CEDAW’s gender equity principles to pressure the U.S. Congress to ratify the treaty. The United States is one of only a handful of countries in the world not yet a party to the treaty, and given federal inaction to date, Cities for CEDAW is seeking to build momentum locally. As of June 2019, nine localities had adopted CEDAW ordinances and several dozen had adopted nonbinding resolutions. Similarly, in the early 2000s, several states adopted legislation seeking to divest public moneys in Sudan in response to the genocide in Darfur, prompting Congress to follow suit.

- **Executive Orders:** Governors and mayors can also issue Executive Orders, using their independent executive authority to advance human rights. While executive action may be a less common approach to advancing human rights locally – in part because these actions generally are limited to those agencies and public employees within their jurisdictions – Executive Orders can embed human rights into the delivery of critical public services and infrastructure.

- In 2020, Massachusetts issued an Executive Order to promote diversity, inclusion, and equal opportunity in its workforce. Although not presented in human rights terms, the order is premised on core international human rights principles and treaties, such as CERD and CEDAW. California issued a similar Executive Order last year, also establishing the state’s first Racial Equity Commission, as did the City of Los Angeles (see Directives 11 and 27).

- **Proclamations/Resolutions:** U.S. states and localities can issue formal statements, known as proclamations or resolutions. Although non-binding, both actions can spotlight and elevate the status of an issue.

- Two decades ago, Oregon proclaimed December 10 would be Oregon’s Human Rights Day, apologizing at that time for Oregon’s forced sterilization of its institutionalized patients between 1900 and 1920.

- **Administrative & Budgetary Actions:** Through their budgets and administrative agencies, U.S. states and localities can make investments and take administrative actions that promote human rights principles in concrete ways.

- California has run a multi-million dollar operation along the state’s border with Mexico to ensure that all migrants who enter California are treated with dignity and care; since 2019, California has provided over 300,000 migrants immediate access to COVID testing, vaccination, and coordination for onward travel to their final destinations in the United States.

- **Economic Measures:** Finally, U.S. states and localities can use their economic strength to press for human rights reform beyond their borders, as many did by reinforcing federal economic sanctions targeting Russia. Divestment is another way in which U.S. states and localities can press for global human rights reform.
In 2007, the Illinois Governor signed a law barring the state from investing money in the Republic of Sudan and divesting any current investments linked to Sudan, joining with actions already taken by the Governors of Florida, California, Colorado, Texas, Kansas, Hawaii, Indiana, Iowa, Minnesota, Rhode Island, Vermont, and New York.

**Tips for Promoting Human Rights Locally**

To effectively engage in human rights work, U.S. states and localities should:

- **Define human rights work broadly.** Human rights have come to take on a broad meaning in society—a meaning not limited to the U.S.’ 20th-century definitions of political and civil rights. In many parts of the world, human rights are understood to include the right to food, shelter, and health. Many recent social movements, such as Black Lives Matter, have been rooted in these social and economic human rights paradigms. Using this human rights framework can help governments show the seriousness with which they approach related issues and build upon an important legacy of work elsewhere in the world.

- **Engage domestically and internationally through a human rights lens.** Domestically, U.S. states and localities should design the delivery of public services and build infrastructure to equitably meet the needs of all their residents. Hiring practices also provide a vehicle to protect the rights of vulnerable populations—for instance, to protect against formerly incarcerated individuals being discriminated against when seeking employment. When considering foreign partnerships and other opportunities, U.S. state and local leaders should take into account the human rights record of their counterparts. Doing so can help avoid reputational and political repercussions at home.

- **Hire people with human rights and foreign affairs backgrounds.** Bringing in people with the knowledge, experience, and background to advance human rights work will expand opportunities for synergistic work and partnerships. Consider the impact of LA City’s first Deputy Mayor of International Affairs Nina Hachigian, now the first U.S. Special Representative for City and State Diplomacy, who helped spearhead a global partnership of (now over) 400 mayors committed to addressing the climate crisis, among many other initiatives. Without the human rights know-how within government, it is much harder to know when and how to do the work.

- **Build and engage in networks.** Networks of like-minded U.S. states and localities can serve as a critical resource for sharing ideas and supporting each other’s work as a collective. C40 Cities is a great example of city mayors coming together to tackle the climate crisis even as the U.S. federal government announced its intended withdrawal from the Paris Accord. U.S. states have similar networks, such as the U.S. Climate Alliance and the newly formed Reproductive Freedom Alliance, but they could benefit from more.

- **Engage in nonbinding commitments and partnerships (but avoid binding agreements with other countries).** Pursuant to the Compact Clause of the U.S. Constitution, U.S. states and localities cannot enter into formal agreements with a foreign government without Congress’ consent. Nonbinding commitments or
partnerships are lawful, however – and often just as effective. For example, the Cities Road to Zero campaign at COP27 resulted in many hundreds of cities around the world committing to net zero carbon emissions by mid-century, collectively equivalent to the world’s fifth largest emitter. Though not legally binding, the effort has proven to be effective at mobilizing local, federal, and international support for meeting climate crisis goals.

- **Act in accordance with federal human rights law and policy**. Human rights actions taken by U.S. states and localities must be consistent with federal foreign policy. Often the federal government sets a floor for foreign affairs actions, not a ceiling, allowing for significant state and local action on foreign affairs matters, including human rights.

**Conclusion**

The federal government may still be the default in the international system for engaging in global human rights work. But U.S. states and localities have significant tools – and many good reasons – to lead the way in advancing human rights in the U.S. and beyond.