

Assembly Concurrent Resolution No. 129

Adopted in Assembly August 9, 2010

Chief Clerk of the Assembly

Adopted in Senate August 27, 2010

Secretary of the Senate

This resolution was received by the Secretary of State this
_____ day of _____, 2010, at _____
o'clock ____M.

Deputy Secretary of State

RESOLUTION CHAPTER _____

Assembly Concurrent Resolution No. 129—Relative to international treaties.

LEGISLATIVE COUNSEL'S DIGEST

ACR 129, Monning. International treaties: reports.

The measure would request the Attorney General to publicize specified international treaties and protocols to cities, counties, and state agencies, and to prepare templates for cities, counties, and state agencies to use to create reports pertaining to those treaties and protocols.

WHEREAS, California is a coastal state populated by many native people and immigrants from all nations that has long recognized its role in the United States and in the global community; and

WHEREAS, The state is required to fulfill and implement its reporting obligations under international treaties and domestic laws; and

WHEREAS, The City and County of San Francisco was proud to serve as the site for the founding of the United Nations and the United Nations Charter, which was agreed to by the United States in 1945; and

WHEREAS, In 1992, the United States agreed to the International Covenant on Civil and Political Rights (ICCPR), a treaty that includes many of the rights set forth in the United States Bill of Rights and in the Universal Declaration of Human Rights, in which the United States made commitments to (1) publicize the text of the treaty throughout its states and territories, and (2) make reports every five years to the Human Rights Committee of the United Nations that administers the ICCPR, including reports at the federal, state, and local levels; and

WHEREAS, In 1994, the United States agreed to the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT), a treaty including some of the provisions in the Eighth Amendment to the United States Constitution, in which the United States made

commitments to (1) publicize the text of the treaty throughout its states and territories, and (2) make reports every four years to the United Nations Committee Against Torture (CAT) administering the ICAT, including reports at the federal, state, and local levels; and

WHEREAS, In 1994, the United States agreed to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a treaty including provisions of the 13th, 14th, 15th, and 24th Amendments to the United States Constitution, in which the United States made commitments to (1) publicize the text of the treaty throughout its states and territories, and (2) make reports every two years to the United Nations Committee on the Elimination of Racial Discrimination (CERD), including reports at the federal, state, and local levels; and

WHEREAS, In 2002, the United States agreed to optional protocols to the United Nations Convention on the Rights of the Child (CRC)—the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (CRC Optional Protocols), protocols that include some of the provisions of the United States military and pornography law—in which the United States made commitments to (1) publicize the text of the protocols throughout its states and territories, and (2) make reports every five years to the United Nations Committee on the Rights of the Child (CRC) administering the Protocols, including reports at the federal, state, and local levels; and

WHEREAS, To date, California has not received a formal notice from the United States Department of State that reports are due under these treaties and protocols and has failed to make any required report to any of the four United Nations committees; and

WHEREAS, On January 20, 2010, the Legal Adviser to the United States Department of State issued an unclassified Memorandum for State Governors on United States Human Rights Treaty Reports stating that “we would appreciate your forwarding this communication to your Attorney General’s office, and to the departments and offices that deal with human rights, civil rights, housing, employment and related issues in your administration”; and

WHEREAS, In 1994, the City of Berkeley, informed of the treaties by its Peace and Justice Commission, submitted its initial

local reports to the United States Department of State for inclusion in its report, and directly to the Human Rights Committee, and in 2006 and 2007, submitted its local reports to the CERD and CAT under city council resolutions; and

WHEREAS, City officials in Berkeley found that these submissions heightened awareness among city officials and staff of the significance of their enforcing human rights; and

WHEREAS, The members of the three United Nations committees recently used information from unofficial reports by nongovernmental organizations in their discussions of the official United States reports, and specifically stated in their Concluding Observations that they expect to receive information at the local level in all future United States reports; and

WHEREAS, All of the facts and statistics needed to make the reports to the four United Nations committees are available in reports already prepared by the state for other purposes; and

WHEREAS, California can become a leader among the states in fulfilling reporting obligations under these treaties and protocols by taking steps to ease the task of compiling and organizing data for cities, counties, and state agencies; and

WHEREAS, The next reports from the United States are due to the Human Rights Committee of the United Nations on August 1, 2010, to the CERD Committee on November 20, 2011, to the CAT Committee on November 19, 2011, and to the CRC Committee in 2015; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby requests the Attorney General to (1) publicize the text of the three treaties and two protocols among all city, county, and state agencies, and (2) prepare templates for use by cities, counties, and state agencies on which to make concise, complete, and accurate reports to fulfill reporting obligations under these treaties and protocols; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Attorney General, President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, the Legal Adviser to the United States Department of State, the United Nations High Commissioner for Human Rights, the

Chair of the Human Rights Committee of the United Nations, the Chair of the Committee Against Torture of the United Nations, the Chair of the Committee on Elimination of Racial Discrimination of the United Nations, and the Chair of the Committee on the Rights of the Child of the United Nations.

Attest:

Secretary of State