Assembly Concurrent Resolution No. 129

Introduced by Assembly Member Monning

February 18, 2010

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

LEGISLATIVE COUNSEL’S DIGEST

ACR 129, as introduced, Monning. International treaties: reports.

The measure would request the Attorney General to publicize 3 specified international treaties 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.

Fiscal committee: yes.

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 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 ratified by the United States Senate in 1945; and

WHEREAS, In 1992, the United States Senate ratified 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
WHEREAS, In 1994, the United States Senate ratified 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 Senate ratified 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 Elimination of Racial Discrimination (CERD), 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 has failed to make any required report to any of the three United Nations committees; 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 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 have 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 three United Nations committees are available in reports already prepared by the state for other purposes; and

WHEREAS, California can become the first state in the nation to prepare and file the reports required under these three treaties by obtaining information from all cities and counties and from state agencies; and

WHEREAS, The next reports from the United States are due to the Human Rights Committee of the United Nations on August 8, 2010, to the CERD Committee on November 20, 2011, and to the CAT Committee on November 19, 2011; 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 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 that the state can merge and submit in its reports to the three United Nations committees; 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 United States Department of State, the United Nations High Commissioner for Human Rights, the Chair of the Human Rights Committee, the Chair of the Committee Against Torture, and to the Chair of the Committee on Elimination of Racial Discrimination in Geneva.