

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.

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

5 WHEREAS, The City and County of San Francisco was proud
6 to serve as the site for the founding of the United Nations and the
7 United Nations Charter, which was ratified by the United States
8 Senate in 1945; and

9 WHEREAS, In 1992, the United States Senate ratified the
10 International Covenant on Civil and Political Rights (ICCPR), a
11 treaty that includes many of the rights set forth in the United States
12 Bill of Rights and in the Universal Declaration of Human Rights,
13 in which the United States made commitments to (1) publicize the
14 text of the treaty throughout its states and territories, and (2) make

1 reports every five years to the United Nations Human Rights
2 Committee administering the ICCPR, including reports at the
3 federal, state, and local levels; and

4 WHEREAS, In 1994, the United States Senate ratified the
5 International Convention Against Torture and Other Cruel,
6 Inhuman or Degrading Treatment or Punishment (ICAT), a treaty
7 including some of the provisions in the Eighth Amendment to the
8 United States Constitution, in which the United States made
9 commitments to (1) publicize the text of the treaty throughout its
10 states and territories, and (2) make reports every four years to the
11 United Nations Committee Against Torture (CAT) administering
12 the ICAT, including reports at the federal, state, and local levels;
13 and

14 WHEREAS, In 1994, the United States Senate ratified the
15 International Convention on the Elimination of All Forms of Racial
16 Discrimination (ICERD), a treaty including provisions of the 13th,
17 14th, 15th, and 24th Amendments to the United States Constitution,
18 in which the United States made commitments to (1) publicize the
19 text of the treaty throughout its states and territories, and (2) make
20 reports every two years to the United Nations Committee on
21 Elimination of Racial Discrimination (CERD), including reports
22 at the federal, state, and local levels; and

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

27 WHEREAS, In 1994, the City of Berkeley, informed of the
28 treaties by its Peace and Justice Commission, submitted its initial
29 local reports to the Human Rights Committee, and in 2006 and
30 2007, submitted its local reports to the CERD and CAT under city
31 council resolutions; and

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

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

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

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

8 WHEREAS, The next reports from the United States are due to
9 the Human Rights Committee of the United Nations on August 8,
10 2010, to the CERD Committee on November 20, 2011, and to the
11 CAT Committee on November 19, 2011; now, therefore, be it

12 *Resolved by the Assembly of the State of California, the Senate*
13 *thereof concurring* That the Legislature of the State of California
14 hereby requests the Attorney General to (1) publicize the text of
15 the three treaties among all city, county, and state agencies, and
16 (2) prepare templates for use by cities, counties, and state agencies
17 on which to make concise, complete, and accurate reports that the
18 state can merge and submit in its reports to the three United Nations
19 committees; and be it further

20 *Resolved,* That the Chief Clerk of the Assembly transmit copies
21 of this resolution to the Attorney General, President and Vice
22 President of the United States, the Speaker of the House of
23 Representatives, the Majority Leader of the Senate, to each Senator
24 and Representative from California in the Congress of the United
25 States, the United States Department of State, the United Nations
26 High Commissioner for Human Rights, the Chair of the Human
27 Rights Committee, the Chair of the Committee Against Torture,
28 and to the Chair of the Committee on Elimination of Racial
29 Discrimination in Geneva.

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