

# OCCUPY HUMAN RIGHTS!

**WE** all have a right to:

**Human Dignity**

**Employment that pays decently**

**Not be mistreated by the Police**

**Housing & Medical Care**

**Associate with Others**

**Use Public Parks**

**Use Loud Speakers**

***IT'S THE LAW!***

**These laws are in three treaties ratified by the U.S. in 1992 and 1994, and, under the U.S. Constitution, a treaty is the supreme law of the land and applies in Oakland, San Francisco, and Berkeley.**

The treaties are:

International Convention on Elimination of all forms of Racial Discrimination (ICERD)

International Convention Against Torture

and other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT)

International Covenant on Civil and Political Rights (ICCPR)

You can read the treaties at [www2.ohchr.org/English/law/index.htm](http://www2.ohchr.org/English/law/index.htm)

In 1945, the government adopted the United Nations Charter, stating that it will "promote higher standards of living, full employment, and conditions of economic and social progress; ..." (Articles 55 and 56.)

(See back page for the full text of Articles 55 and 56)

**These rights are like the right to free speech and due process of law in the U.S. Constitution Bill of Rights, but they are more specific.**

# THE STATE OF CALIFORNIA RECOGNIZES THESE TREATIES!

In 2010, the California State Legislature voted to:

- ∞ publicize the text of the three UN human rights treaties and
- ∞ to make plans to make the required periodic reports on how the treaties are implemented in the state.

The reports are reviewed by UN committees that administer the treaties.

NOTE: The three UN human rights committees have a very good reputation with activists for their work. (Some UN bodies take steps that Occupy folks may not agree with.)

## The Mayor and the City Council have a duty to work towards:

- ∞ preventing homelessness in Oakland, San Francisco and Berkeley.
- ∞ ensuring everyone in Oakland, San Francisco and Berkeley has a job at a decent wage.
- ∞ training police working in Oakland, San Francisco and Berkeley to treat all folks with dignity, never to torture anyone, or use degrading treatment toward the homeless, the immigrant without papers, the unemployed, youth, and sex workers.

*They cannot ignore this duty any more than they can ignore the duty to see that there are street lights and traffic signals.*

## We Can Ask the Mayor and City Council to:

1. Hold human rights training sessions for police working in the county.
2. Work with NGOs and government agencies to find space where the homeless can start gardens to eat and/or sell produce to earn income.
3. Meet with Occupy, city officials, and the Veterans Administration to propose improving the employment and housing opportunities of U.S. veterans in S.F.
4. To consider opening an Oakland Bank, a San Francisco Bank, and a Berkeley Bank like the successful state of North Dakota state bank.
5. Hang posters describing all of these laws in every jail and police station, in every library, city building, city attorney's office. They have a duty to publicize the treaty text.

NOTE: Meiklejohn Civil Liberties Institute of Berkeley has prepared posters that can be used.  
(See back page) To get a copy, go to [www.mcli.org](http://www.mcli.org)

*Regular folks caused FDR to push for the New Deal by organizing Unemployed Councils. We can do it too!*

# EXCERPTS FROM THE TREATY LAW

## ICERD - Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;**
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;**
- (d) Other civil rights, in particular:
  - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
  - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;**
  - (ii) The right to form and join trade unions;**
  - (iii) The right to housing;**
  - (iv) The right to public health, medical care, social security and social services;**
  - (v) The right to education and training;**
  - (vi) The right to equal participation in cultural activities;**
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.**

## ICCPR - Article 1 (2)

The peoples of the State may, for their own ends, freely dispose of their natural wealth and resources ..., based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

## ICCPR Article 10 (1)

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

## ICAT Article 10 (2)

**The State shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. It shall include this prohibition in the rules or instructions issued in regard to the duties and function of any such person.**

