

HUMAN RIGHTS REPORTING PROJECT IS WORKING!!

JOIN US!

In the face of lay-offs, round ups of immigrants, Katrina/Rita disasters, foreign wars, rent increases, cuts in funding for public schools and libraries, lack of medical care for veterans and disabled, and so many other problems, TRY A NEW PATH to defend the rights of:

- | | | | |
|------------------|-----------------------|------------|--------------|
| ◆ Arab-Americans | ◆ Activist Protestors | ◆ Children | ◆ Unions |
| ◆ Muslims | ◆ People of Color | ◆ Veterans | ◆ Unemployed |
| ◆ Workers | ◆ Immigrants | ◆ Disabled | ◆ Women |



a NEW PATH for ACTIVISTS



**Under Domestic Law,
Your City, County, and State
should be filing reports to the United Nations
on Human Rights abuses!**

HOW DOES IT WORK?

Under the U.S. Constitution, a treaty is "the supreme law of the land." (Art. VI, cl. 2)

The U.S. ratified three U.N. human rights treaties in 1992 and 1994:

- ∞ International Covenant on Civil and Political Rights (ICCPR)
- ∞ U.N. Convention on Elimination of all forms of Racial Discrimination (CERD)
- ∞ U.N. Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The U.S. agreed to make reports to the three U.N. committees that administer the treaties: every 5 years to Human Rights Committee that enforces ICCPR, every two years to the CERD Committee, every four years to the CAT Committee. These reports must include information at the local level.

The U.S. government made commitments to publicize the content of the treaties when it ratified them.

The City of Berkeley, California is taking the lead...LOOK inside on page 3

MCLI is ready to work with YOU!

Join us in convincing EVERY city, county, and state to file reports to the United Nations....starting with YOURS!!



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THE MOBILIZATION OF SHAME

The U.N. Committees influence **TANGIBLE RESULTS** in the U.S.

In 2001, the U.N. Committee to End Racial Discrimination demanded the U.S. increase its efforts to end racial discrimination in its "Concluding Observations." As a result, the U.S. made the following policy changes:

- ↪ Renewed President's Advisory Commission on **Educational Excellence for Hispanic Americans**
- ↪ Implemented National Detention Standards for facilities holding **immigration detainees**
- ↪ Enacted Initiative To Combat Post 9/11 Discriminatory Backlash against **Arab, Muslim, Sikh, and South-Asian Americans**
- ↪ Created **Equal Employment Opportunity Commission** taskforce to review work on discrimination
- ↪ **Dept. of Housing & Urban Development** created Office of Systemic Investigations to resolve discriminatory practices
- ↪ Civil Rights Division of Justice Dept. settled 14 cases against **law enforcement** agencies for **discrimination/brutality** in GA., MD., MI., OH., CA., IL., NJ., D.C., etc. since 2001
- ↪ Increased **law enforcement training programs** w/ specific guidance on race issues since 9/11
- ↪ Reported data on **racial composition of prisons**: incarceration rate of African Americans lower overall

However, the U.S. flatly refused to discuss charges of CERD violations at Guantanamo and Abu Ghraib.

Berkeley Is Setting an Example Other Cities and Counties Can Use

- ☞ In 2007, Berkeley started making official reports about what it is doing to fight racism and racial discrimination in the City.
- ☞ It is making these reports public and sending them to the U.S. Government in Washington, and to the U.N. Committees in Geneva, and to the media.
- ☞ And the City staff is finding that collecting the facts -- on complaints of police misconduct, of racial discrimination in funding for social services, etc. -- and putting them into reports, is leading to some improvement in these fields.

Steps YOU can take:

1. Talk to MCLI reps at the Social Forum: Jennifer Smith, Adam Shearer, Rev. Daniel Buford.
2. Decide which city council members or school board members or county supervisors are most likely to propose a 3-Treaty Reporting Resolution and work for its adoption.
3. Use the DRAFT THREE-TREATY REPORTING RESOLUTION on page 4 of this flyer to draft a resolution for your city, county, or state.
4. Offer internships to students to work on this project.
5. Start working with other faith-based activists, unions, PTAs, librarians, and..., and the media to convince the City Council, Board of Supervisors and the Board of Education to pass a resolution to make the required reports, to send them to the State Attorney General and U.S. Department of State, and directly to the U.N. Committees.



You can get copies of the three treaties off the web:

CAT: <http://www1.umn.edu/humanrts/instree/h2catoc.htm>

CERD: <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

ICCPR: <http://www1.umn.edu/humanrts/instree/d1cerd.htm>

and check out www.mcli.org for more information!



You and your organization can go to the U.N. Committee meeting in Geneva or New York and talk directly to members of the Committee!

MCLI has sent representatives to two U.N. Committee meetings.

Judge Claudia Morcom of Detroit and Rev. Daniel Buford of Oakland, with an MCLI Intern, were welcomed by some Committee members, and later heard their concerns raised by the Committee members with the U.S. government representatives.

We made reports to the U.N. Committees as an NGO.

We reported on violations of the rights of Katrina victims, on due process denials of rights of "the Cuban Five," and other serious violations not mentioned in the U.S. Report to the Committee.

Over 100 other U.S. NGOs submitted written reports to the Committee.

And more than 20 representatives went to Geneva to attend the U.N. Committee meetings with the U.S. government representatives.

We saw real results from the U.S. -- the mobilization of shame worked!

After sharp exchanges concerning discriminatory treatment of Katrina victims, the U.S. State Department reported that additional funding was being sent to help them, and an investigation would take place concerning the treatment of people of color and low incomes fleeing across the bridge to escape from the flooding.

Who's policing the police? The reports bring accountability to the U.S. government.

The Committee requested the next U.S. report include detailed statistical data, disaggregated by sex, ethnicity, and conduct, on:

- ☞ complaints related to torture or ill-treatment by law enforcement
- ☞ disproportionate homelessness among African Americans
- ☞ de facto racial segregation in public schools
- ☞ police brutality and improper questioning techniques
- ☞ use of "non-lethal" devices
- ☞ harsh sentencing of children
- ☞ treatment of women and children in detention facilities
- ☞ racial profiling, and rights of indigenous peoples.

One helpful fact: All reports to U.N. committees must be short to be useful.

(All materials must be translated into six languages.) So, after your local government decides to make the reports, you can assure them that relevant statistics on one or two pages will be more effective than long reports for which they do not have staff time.

**IT IS UP TO US TO ENFORCE HUMAN RIGHTS IN THE UNITED STATES!
WE CAN DO IT BY GETTING OUR GOVERNMENTS TO FILE THESE REPORTS AND
THEN GETTING THE MEDIA TO COVER THE STORY!**

**PROPOSED RESOLUTION BY CITY/COUNTY/STATE on FILING REQUIRED
REPORTS TO U.N. HUMAN RIGHTS REPORTING COMMITTEES**

(Phrases in italics suggest the kinds of items to include from the city or county or state.)

- WHEREAS, the [City/County/State] [*adopted an Ordinance/a Resolution celebrating Martin Luther King Jr's birthday/Human Rights Day/other action celebrating human right*]; and
- WHEREAS, the United States in 1992 and 1994 ratified three U.N. treaties to enforce human rights throughout the United States and its territories: the International Covenant on Civil and Political Rights (ICCPR), the International Convention on Elimination of all forms of Racial Discrimination (CERD), and International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and a treaty, under the U.S. Constitution, is the supreme law of the land (article 6, clause 2); and
- WHEREAS, each of these treaties requires each signatory nation to file reports periodically, and the second report and all future reports must include information from the local level in reports from each state for inclusion in the federal report; and
- WHEREAS, the City of Berkeley, California adopted, on Feb. 27, 2007, Resolution No.63,596-N.S., leading to City departments providing information for inclusion in the City report to the California Attorney General for inclusion in his required report to the U.S. Department of State for inclusion in its report to the CERD Committee, leading to the decision that the City Commission on Peace & Justice should devise a workable plan for the City to timely file City reports to all three U.N. Committees; and
- WHEREAS, the [City/County/State] has *(Departments, Commissions, Council Committees, and other bodies)* working on each of the issues of concern to the three U.N. human rights reporting committees, including complaints concerning: *harsh sentencing of minors; mistreatment of women and children in detention facilities; denial of rights of indigenous peoples; mistreatment of immigrant workers; 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; use of "non-lethal" devices; disproportionate homelessness among African Americans and discrimination in housing and other public services; de facto racial segregation in public schools and discrimination in public education funding; racial profiling; discrimination in police practices and sentencing; death penalty; mistreatment of Muslims/Arabs* *(add other local issues)*; and
- WHEREAS, [City/County/State] could play a major affirmative role by asking all its [city/county/state] agencies to read the CERD, CAT and ICCPR treaties, and make reports about its efforts to enforce and publicize all of the provisions for human rights in the three treaties;
- WHEREAS, *(Meiklejohn Civil Liberties Institute and other NonGovernmental Organizations)* in the [City/Count/State] are working in the [City/County/State] to enforce the rights of people under the U.S. Constitution; and
- NOW, THEREFORE, BE IT RESOLVED that the [City/County/State] select *(someone on staff/on a committee or commission)* to be in charge of keeping the [City/County/State] Government informed of the reporting requirements and reporting deadlines under each of the three ratified treaties, and to work with *(Departments, etc.)* in making the required reports in a timely fashion, and to send the reports to the State Attorney General, the U.S. Department of State, and to the three U.N. Committees.

NOTES: Local Reports go to: **1. State Attorney General**; **2. Erica Barks-Ruggles**, Deputy Asst. Secy. of State for Democracy, Human Rights, and Labor, U.S. Department of State at 2201 C Street, NW / Washington, D.C. 20530-6419; **3. Chair, U.N. [name of Committee]**; % U.N. High Commissioner for Human Rights; UNOG-OHCHR / 1211 Geneva 10, Switzerland FAX: +41 22 917 9022; **4. Meiklejohn Civil Liberties Institute**, P.O. Box 673 / Berkeley, CA 94701-0673, FAX (510) 848-6008, Email: mcli@mcli.org.
NOTE: Each treaty was signed by the President and ratified by the U.S. Senate by a 2/3 vote. ICCPR: 4/2/92, 138 Cong. Rec. S4782; CERD: 6/24/94, 140 Cong. Res. S. 7634; CAT, Oct. 27, 1990,, 136 Cong. Rec. S17491-2 completed in '94.