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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Cuba: draft resolution

1995/... Racism and racial discrimination as the utmost violations
of human rights in the United States of America

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations,
the Universal Declaration of Human Rights and the International Covenants on
Human Rights,

Reaffirming that all States have an obligation to promote and protect
human rights and fundamental freedoms and to fulfil the obligations they have
undertaken pursuant to the various international instruments in that field,

Having considered the report of the Special Rapporteur on contemporary
forms of racism, racial discrimination, xenophobia and related intolerance on
his visit to the United States of America (E/CN.4/1995/78/Add.1),

Deeply concerned at the continued violation in the United States, on
racial grounds, of the human rights and fundamental freedoms enumerated in the
Universal Declaration of Human Rights, the International Covenants on Human
Rights and other international human rights instruments, of persons belonging
to ethnic minorities, in particular African-Americans, Latinos and the
indigenous peoples,

Profoundly concerned that the political and institutional system in the United States of America continues to favour the phenomena of racism and racial discrimination by, inter alia, the adoption of discriminatory legislation, such as the so-called Proposal 187 in the state of California and other initiatives which are directed, in particular, against migrant workers,

Alarmed at the findings of the Special Rapporteur on the situation of ethnic minorities and indigenous peoples, which show the grave patterns affecting their communities in the United States in such areas as health, employment, education, housing, political participation, the functioning of the criminal justice system, the application of the death penalty motivated on racist grounds, police brutality, incitement to racial hatred and racist violence,

Deeply concerned at arbitrary arrests, beatings, killings, imprisonment, brutal treatment of migrant workers, racist acts by the police and prison warders, discriminatory judicial practices in the United States, motivated on racist and racial discriminatory grounds,

Dismayed at the unchecked growth of neo-nazi and racist groups and of their negative influence through the United States society,

Recognizing that the widespread practices of racism and racial discrimination in the United States of America as well as the inability or unwillingness of the Government of that country to eradicate this situation provide the framework for gross and massive violations of the human rights of a wide segment of the population,

1. Endorses the conclusions and recommendations contained in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States (E/CN.4/1995/78/Add.1);

2. Calls upon the Government of the United States of America to implement the recommendations of the Special Rapporteur in order to eliminate racism and racial discrimination against ethnic minorities and the indigenous peoples and to bring up to universally recognized standards the observance of human rights and fundamental freedoms and to end all violations of human rights in that country;

3. Decides to appoint a special rapporteur on the situation of racism and racial discrimination as the utmost violations of human rights in the United States of America, in view of the circumstances prevailing in that country;

4. Requests the special rapporteur to carry out his or her mandate in close coordination with the Government, as well as with non-governmental organizations and citizens of the United States;

5. Also requests the special rapporteur to present a preliminary report on his or her activities and recommendations for the eradication of this situation in the United States of America to the General Assembly at its fiftieth session and a comprehensive report to the Commission on Human Rights at its fifty-second session;

6. Urges the Government of the United States of America to cooperate fully with the special rapporteur in the fulfilment of his or her mandate;

7. Invites the special rapporteur and the thematic rapporteurs of the Commission to exchange their information and findings and to work in close cooperation on the situation of human rights in the United States of America;

8. Requests the Secretary-General to provide all necessary assistance to the special rapporteur in the fulfilment of his or her mandate;

9. Decides to remain seized of this matter;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution ... of ... 1998, decides to endorse the Commission's decision to appoint a special rapporteur on the situation of racism and racial discrimination as the utmost violation of human rights in the United States of America, in view of the circumstances prevailing in that country, and requests the Secretary-General to provide all necessary assistance to the special rapporteur in the fulfilment of his or her mandate."
