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STATEMENT ON BEHALF OF THE AFRODESCENDANT NATION WHO ARE DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES (DAEUS) ON THE 72ND HUMAN RIGHTS DAY

72 years ago, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. December 10th, or “Human Rights Day” has thus become a celebratory day for all human rights defenders worldwide! United States Secretary of State, Michael Pompeo, in celebration of Human Rights Day 2020, made the following statement:



“On International Human Rights Day, the United States celebrates the rights and freedoms enshrined in the 1948 Universal Declaration of Human Rights. This day has a special resonance for Americans, as **the United States was the first nation founded on the belief that all individuals are created equal and endowed by their creator with certain unalienable rights.** Indeed, it was an American First Lady who convened the United Nations conference that created the 1948 Declaration.

Under the Trump Administration, the State Department has taken a leading role in the promotion and protection of unalienable rights. Earlier this year, **the Department released the report of the Commission on Unalienable Rights** (<https://www.state.gov/commission-on-unalienable-rights>), which reaffirms the indispensable role the United States has, and will always play, in the respect and protection of human rights. And around the world, **we have demonstrated strong support for those fighting for their unalienable rights and human dignity, from Xinjiang to Lagos, Minsk to Islamabad.**

History demonstrates that governance that respects human rights and upholds the dignity of all human beings makes the world a safer and more prosperous place. But history also teaches that human rights must always be vigilantly protected. **Today, the United States reasserts our commitment to stand always in solidarity with those fighting for their rights, and urges all nations to safeguard the human rights we all cherish.”**

As President of the Balanta B’urassa History & Genealogy Society in America, a member of the Inclusive Policy Lab of the UNESCO E-team for the People of African Descent and the Sustainable Development Goals, and a member of the National Coalition of Black for Reparations in America (NCOBRA), I take great issue with the Secretary Pompeo’s Statement which, while noting that, *“the United States was the first nation founded on the belief that all individuals are created equal and endowed by their creator with certain unalienable rights”*, **failed to clarify that it did so while simultaneously, hypocritically, immorally and criminally enslaving African heritage peoples,**

denying their humanity, and sanctioning the dehumanizing slave manufacturing process that has destroyed the genome of the Afrodescendant Nation (DAEUS) through the

Transgenerational Epigenetic Effect (<https://www.balanta.org/news/bbhagsia-statement-to-the-26th-session-of-the-working-group-of-experts-on-people-of-african-descent-at-the-united-nations>). This has also resulted in the ethnocide of the Afrodescendant Nation (DAEUS).

Moreover, the Report of the Working Group of Experts on People of African Descent (<https://www.refworld.org/docid/584073d34.html>) on its mission to the United States of America, August 18, 2016 reiterated that

“THE UNITED STATES HAS NOT SIGNED AND RATIFIED ANY OF THE HUMAN RIGHTS TREATIES THAT WOULD ALLOW UNITED STATES CITIZENS TO PRESENT INDIVIDUAL COMPLAINTS TO THE UNITED NATIONS HUMAN RIGHTS TREATY BODIES OR TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS.”

Secretary Pompeo’s statement celebrating Human Rights Day 2020 is thus another misleading piece of propaganda designed to deceive the world into thinking that the United States’ historical legacy is honorable and that it is the world’s leader on human rights. Nothing could be further from the truth.

I call attention to the Swedish submission of Advanced Questions to the United States of America ahead of the third Universal Periodic Review (UPR) of the United States in May, 2020, which states:

“Sweden notes the usage by representatives of the United States of America of the term ‘unalienable rights’ to hold forth certain, but not all, human rights. This shift in terminology could be interpreted as a step to redefine human rights, contrary to the globally agreed definition of them being universal, interdependent and mutually reinforcing. How will the United States of America ensure that any development of its human rights policies continue to adhere to international human rights law as the norm that human rights are universal, interdependent and mutually reinforcing?”

This is especially troubling given that the Report of the Office of the United Nations High Commissioner for Human Rights Compilation on the United States of America (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/065/34/PDF/G2006534.pdf?OpenElement>) submitted to the Human Rights Council Working Group on the Universal Periodic Review, 36th Session, May 4-15, 2020, noted that,

“C. Economic, social and cultural rights

44. The Special Rapporteur on extreme poverty noted that *the United States had refused to accord domestic recognition to economic and social rights*, except for some social rights, and especially the right to education.”

Both the International Covenant on Civil and Political Rights (ICCPR) (<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>) clearly state,

“Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want *can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights, . . .*”

PART I

Article 1

1. All peoples have the right of self-determination. *By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. *In no case may a people be deprived of its own means of subsistence.*

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, *shall promote the realization of the right of self-determination*, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Here I remind you of some of the Afrodescendant Nation's (DAEUS) efforts that have already been made to hold America accountable to the ideals which Secretary Pompeo insists the United States is committed:

September 2, 1924 - The Universal Negro Improvement Association submits its Petition of Four Million Negroes of the United States of America to His Excellency the President of the United States Praying for a Friendly and Sympathetic Consideration of the Plan of Founding a Nation in Africa for the Negro People, and to Encourage Them in Assisting to Develop Already Independent Negro Nations as a Means of Helping to Solve the Conflicting Problems of Race (<https://www.international.ucla.edu/asc/mgpp/sample06>)

1946 - The National Negro Congress submits its Petition to the Economic and Social Council of the United Nations Stating The Facts on The Oppression of the American Negro (<https://fau.digital.flvc.org/islandora/object/fau%3A5359/datastream/OBJ/view>).

October 23, 1947 - W.E.B. DuBois submits AN APPEAL TO THE WORLD!: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress

(<https://www.aclu.org/appeal-world>). Fearing that the double standard would be exposed, President Truman's State Department worked relentlessly to undermine the emerging human rights infrastructure at the U.N. In internal documents (<https://press.princeton.edu/titles/9560.html>), the State Department admitted that it was worried about the creation of an international forum where it would be too tempting to raise the "Negro problem."

December, 1951 - William Patterson and Paul Robeson submit *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of The United States against the Negro People* (<https://www.blackpast.org/global-african-history/primary-documents-global-african-history/we-charge-genocide-historic-petition-united-nations-relief-crime-united-states-government-against/>) . The petition detailed, among other things, 152 incidents of killings of unarmed Black men and women (https://depts.washington.edu/moves/CRC_genocide.shtml) by police and lunch mobs between 1945 and 1951.

April 3, 1964 - Malcolm X gives his famous, "The Ballot or the Bullet" speech stating, "Human rights are something you are born with. Human rights are your God-given rights. Human rights are the rights that are recognized by all nations of this earth. And any time anyone violates your human rights, you can tak them to the world court." Thus, Malcolm X revealed his intention to utilize the United Nations. On May 21, 1964, Malcolm X stated,

"The American black man needed to recognize that he had a strong, airtight case to take the United States before the United Nations on a formal accusation of 'denial of human rights' - and that if Angola and South Africa were precedent cases, then there would be no easy way that the U.S. could escape being censured, right on its own home ground."

On **November 29, 1964**, Malcolm X stated,

"You and I must take this government before a world forum and show the world that this government has absolutely failed in its duty toward us."

Finally, Malcolm X mentioned the United Nations topic for the last time on February 16, 1965, just days before his death. stating,

"as long as you call it civil rights your only allies can be the people in the next community, many of who are responsible for your grievance. But when you call it human rights it becomes international. And then you can take your troubles to the World Court. You can take them before the world. And anybody anywhere on this earth can become your ally." A few days later, Malcolm X was killed (<https://www.balanta.org/news/where-are-the-revolutionaries-malcolm-x-and-the-covid-19-pandemic-as-a-weapon-against-white-supremacy>).

1977 - The New Afrikan Prisoners Organization (NAPO) petition to the United Nations.

December 11, 1978 - The National Conference of Black Lawyers, the National Alliance Against Racist and Political Repression, and the Commission on Racial Justice for the United Church of Christ submit a petition to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

November 5, 1979 - The National Black Human Rights Coalition organized a march of 5,000 people at the United Nations under the banner "Black People Charge Genocide" and "Human Rights is the Right to Self Determination."

1994 - Mr. Silis Muhammad delivered Petition for Reparations to the UN under 1503 Procedure (<https://lfniohouston.org/silis-muhammad-expands-his-record-of-achievement-in-the-fight-for-afrodescendant-human-rights-and-reparations-for-plantation-slavery/>) – to the UN Working Group on Communications on behalf of African Americans. This was followed up in 1997, 1998, 199 and 2000 with written and oral statements (<https://lfnio-detroit.org/reparations-petition/>) urging the Commission on Human Rights to assist African Americans in their effort to recover from official U.S. policies of enslavement.

May 1997 - As a response to revelations that the CIA was involved in the explosion of crack/cocaine in African American communities, the National Black United Front launched a historic Genocide Petition Campaign Against the United States Government and traveled to the United Nations Human Rights Center in Geneva, Switzerland to present the petition with over 200,000 signatures to Mr. Ralph Zacklin, Officer in Charge of High Commission of Human Rights, Centre for Human Rights. Also, this same Petition/Declaration was submitted to the High Commission of Human Rights in New York on May 27, 1997.

September 3, 2001 - World Conference Against Racism - 18,810 delegates from 170 countries, 16 heads of state, 58 foreign ministers, 44 ministers, 7,000 non-governmental representatives, and 1,300 journalists attending the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR)

declared that "slavery, and the slave trade, including the Trans-Atlantic Slave Trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature [and] especially their negation of the essence of the victims . . . [and] that slavery and the slave trade are a crime against humanity..."

At the conference, on September 2, 2001, in a meeting with United Nations High Commissioner for Human Rights Mary Robinson (<https://ratical.org/globalize/CynthiaMcKinney/news/if000914HR.htm>), Congresswoman Cynthia McKinney presented Robinson with two documents as evidence of the US governments violations of both US and international law and, in particular, specific violation of the International Convention on the Elimination of Racial Discrimination. The first document given to Robinson was a confidential Memorandum 46 (<https://www.finalcall.com/MEMORANDUM-46.htm>), written by National Security Advisor, Zbigniew Brzezinski on March 17, 1978 and it details *the federal government's plan to destroy functioning black leadership in the United States.*

This document provides a critical insight into the federal government's concern at the apparent growing influence of the African American political movement. The second document is a report entitled "Human Rights in the United States [The Unfinished Story - Current Political Prisoners - Victims of COINTELPRO]"

(https://repositories.lib.utexas.edu/bitstream/handle/2152/10862/human_rights_in_the_us_w eb.pdf?isAllowed=y&sequence=2) and it was compiled by the Human Rights Research Fund, headed by Kathleen Cleaver. This document provides an overview of the counterintelligence program which, from the 1950s to the 1980s, was run in the United States against political activists and targeted organizations.

Rather than face these charges, the United States Government's delegation to WCAR walked out of the conference (<https://vimeo.com/172501713>). Days later, the World Trade Center in New York was destroyed.

November 22, 2010 - The National Conference of Black Lawyers and the Malcolm X Center for Self Determination submit a report on Political Repression – Political Prisoners to the United Nations Universal Periodic Review, Ninth Session of the Working Group on the UPR Human Rights Council. The report was endorsed by 34 organizations and 53 individuals.

June 2013 - Racial Justice Now!, on behalf of 62 community organizations and 221 community activists and supporters submitted to the United Nations Committee on the Elimination of Racial Discrimination the Status of Descendants of Africans Enslaved in the United States and the United State's Violation of the Convention on the Elimination of All Forms of Racial Discrimination (http://www.antiracistalliance.com/StatusandRights-07-17-2014_FINAL_REVISIED.pdf) in response to the Periodic Report of the United States of June 12, 2013

December 23, 2015 - Robert F. Kennedy Human Rights and Global Justice Clinic, New York University School of Law submits the report, Excessive Use of Force by Police Against Black Americans (<https://chrgj.org/wp-content/uploads/2016/01/Submission-to-UNWGEPAD-re-Excessive-Use-of-Force-by-Police-against-Black....pdf>) in the United States to the UN Working Group of Experts on People of African Descent

Despite all of these efforts, the condition of the Afrodescendant Nation (DAEUS) has worsened. Cecile Johnson of the Pendo Center for Human Rights and Self Determination elaborates,

“For a number of years we have been educating the public on the issues and taking steps to secure the Native born Afro Descendants in the USA (descendants of the American colonization and enslavement) nearly 50 million strong, on their Right to Self Determination as guaranteed by International Law. Specifically the ICCPR article 1.

We have been working on behalf of the Afro Descendants here in the USA in response to the UN Working Group of Experts of People of African Descent 2016 findings on behalf of Black people here in the US (<https://www.refworld.org/docid/584073d34.html>). I provided evidence along with Vickie Casanova and hundreds of others at that visit. That report clearly identifies

the atrocities against us and gives recommendations which the USA has failed to comply with even when under the Obama administration. **It included that the US owed our population REPARATIONS. And 60/147 addresses how that could be handled.** However, it has been 4 years since that visit and it has been very difficult to get in touch with the UN agencies and get adequate follow up, even from your working group which is suppose to address over 1.5 Billion African people's troubles globally.

The 2016 UN Working Group of Experts of People of African Descent brought awareness to our plight globally, but said “we would have to do the work on the ground.” So we responded by doing the work! **Filing a Declaration of Self Determination on 10/01/2017** and this was presented to the OHCHR in Geneva in March 2018 and accepted. **We filed all the required notifications to the UN and State Department following that and even made a request to the UN Decolonization Committee to list us on the Decolonization List in October 2018.** We are still waiting to hear from them on that request.”

Concerning poverty and the condition of the Afrodescendant Nation (DAEUS), the Report of the Office of the United Nations High Commissioner for Human Rights Compilation on the United States of America (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/065/34/PDF/G2006534.pdf?OpenElement>) submitted to the Human Rights Council Working Group on the Universal Periodic Review , 36th Session, May 4-15, 2020, further noted that,

2. Right to an adequate standard of living

48. The Special Rapporteur on extreme poverty noted high poverty and inequality levels. There was a dramatic contrast between the immense wealth of the few and the squalor and deprivation in which vast numbers of Americans existed. The face of poverty was not only black or Hispanic, but also white, Asian and many other backgrounds. The Working Group on the issue of discrimination against women in law and in practice noted that the percentage of women in poverty had increased at a higher rate than for men. That had predominantly affected women of colour, single-parent families and older women. ***The Special Rapporteur on extreme poverty stated that high child and youth poverty rates perpetuated the intergenerational transmission of poverty. The persistence of extreme poverty was a political choice and with political will it could be eliminated.***

49. ***The same Special Rapporteur stated that punishing and imprisoning the poor was the distinctively American response to poverty.*** Workers who could not pay their debts, those who could not afford private probation services, minorities targeted for traffic infractions, the mentally ill and fathers who could not pay child support were locked up. He noted that in many cities, homeless persons were effectively criminalized for the situation in which they found themselves. The Working Group of Experts on Persons of African Descent was concerned about ***the criminalization of poverty, which disproportionately affected African Americans.***”

Finally, the report identified the racial wealth and health gap (<https://ips-dc.org/report-ever-growing-gap/>) of the Afrodescendant Nation (DAEUS):

“IV. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW

A. Cross-cutting issues

1. Equality and non-discrimination

7. The Special Rapporteur on extreme poverty and human rights noted *long-standing structural discrimination on the basis of race and stated that the United States remained a segregated society*. In 2017, in the wake of the demonstrations and violence in Charlottesville, Virginia, three special procedure mandate holders warned that racism and xenophobia were on the rise.

8. The Working Group of Experts on People of African Descent stated that *the persistent gap between African Americans and the rest of the population in almost all the human development indicators reflected the level of structural and institutional discrimination*. Mass incarceration, police violence, housing segregation, disparity in the quality of education, labour market segmentation, political disenfranchisement and environmental degradation continued to have detrimental impacts on people of African descent. The Working Group noted that hate crime groups were active, targeting African Americans.”

It is, therefore, quite revealing that the Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (<https://undocs.org/A/74/321>), highlighted,

“8. Reparations concern both our past and our present; the Durban Declaration clearly states that transatlantic slavery and colonialism remain among the root causes of racism, racial discrimination, xenophobia and related intolerance against Africans and people of African descent, people of Asian descent and indigenous peoples. States in the Americas have also recognized the existence of “a mestizo population of different ethnic and racial origins, to a large extent as the result of the history of colonization and slavery in the American continent, in which unequal relations of race and gender were joined”. In addition to implicating individual wrongful acts, *reparations for slavery and colonialism implicate entire legal, economic, social and political structures that enabled slavery and colonialism, and which continue to sustain racial discrimination and inequality today*. That means that **the urgent project of providing reparations for slavery and colonialism requires States not only to fulfil remedial obligations resulting from specific historical wrongful acts, but also to transform contemporary structures of racial injustice, inequality, discrimination and subordination that are the product of the centuries of racial machinery built through slavery and colonialism.**

9. Reparations for slavery and colonialism entail moral, economic, political and legal responsibilities. The present report outlines a structural approach to providing reparations for slavery and colonialism under public international law and international human rights law, according to which States must pursue a just and equitable international order as an urgent dimension of reparations for slavery and colonialism. *Full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination must also be understood as a central pillar to achieving reparations for slavery and colonialism.* The present report also provides detailed information on the duties of States in providing reparations for racial discrimination and injustice under public international law and international human rights law.

10. In the present report, the Special Rapporteur discusses legal hurdles to providing full reparations, while also highlighting legal obligations related to the provision of reparations for which States are fully liable today. In addition, *the Special Rapporteur emphasizes that the pursuit and achievement of reparations for slavery and colonialism require a genuine “decolonization” of the doctrines of international law that remain barriers to reparations.*

IN THE FACE OF THE GRAVE HISTORIC INJUSTICES OF SLAVERY AND COLONIALISM, AS WELL AS THEIR CONTINUING LEGACIES, THE USE OF LEGAL DOCTRINE BY MEMBER STATES TO IMPEDE REDRESS IS DISTRESSING. THE SPECIAL RAPPORTEUR STRESSES THAT INTERNATIONAL LEGAL DOCTRINE HAS A LONGER HISTORY OF JUSTIFYING AND ENABLING COLONIAL DOMINATION THAN IT DOES OF GUARANTEEING EQUAL RIGHTS TO ALL HUMAN BEINGS. LAW THAT PERPETUATES NEOCOLONIAL DYNAMICS – INCLUDING THE FAILURE TO ERADICATE THE LEGACIES OF SLAVERY AND COLONIALISM – MUST ITSELF BE RECOGNIZED AND CONDEMNED AS NEOCOLONIAL LAW.

The impetus should be on developing legal doctrines that can ensure justice and equality for all, irrespective of race. Colonialism and slavery were legal once, but both were abolished. This then raises the question as to *why defenders of liberal justice are not preoccupied with achieving the legal reform that would make comprehensive reparations compatible with international law.*”

The the Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (<https://undocs.org/A/74/321>) is so important that I include it here for all to read.



Seventy-fourth session

Item 70 (b) of the provisional agenda*

**Elimination of racism, racial discrimination, xenophobia
and related intolerance: comprehensive implementation of
and follow-up to the Durban Declaration and Programme
of Action****Contemporary forms of racism, racial discrimination,
xenophobia and racial intolerance****Note by the Secretary-General****

The Secretariat has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262.

* A/74/150.

** The present report was submitted after the deadline owing to the proximity of the deadline to earlier deadlines for the submission of the reports of the Special Rapporteur to the Human Rights Council, as well as the greater number of reports that the Special Rapporteur is required to submit relative to other special procedures mandate holders.



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IN CONCLUSION, IF THE UNITED STATES WISHES TO MAKE GOOD ON SECRETARY POMPEO'S CLAIM THAT "TODAY, THE UNITED STATES REASSERTS OUR COMMITMENT TO STAND ALWAYS IN SOLIDARITY WITH THOSE FIGHTING FOR THEIR RIGHTS, AND URGES ALL NATIONS TO SAFEGUARD THE HUMAN RIGHTS WE ALL CHERISH," THEN THE UNITED STATES SHOULD PAY SPECIAL ATTENTION TO THE REPORT OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS COMPILATION ON THE UNITED STATES OF AMERICA ([HTTPS://DOCUMENTS-DDS-NY.UN.ORG/DOC/UNDOC/GEN/G20/065/34/PDF/G2006534.PDF?](https://documents-dds-ny.un.org/doc/undoc/gen/g20/065/34/pdf/g2006534.pdf?openelement) OPENELEMENT), PARTICULARLY SECTION "III. NATIONAL HUMAN RIGHTS FRAMEWORK" WHICH STATES,

"III. NATIONAL HUMAN RIGHTS FRAMEWORK

5. The Working Group on the issue of discrimination against women in law and in practice regretted that *no national human rights institution had been established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)*.

6. The same Working Group **recommended establishing a high-level inter-agency working group** with a mandate to oversee and coordinate the implementation of the international human rights obligations of the United States domestically.”

Such a United States Working Group on Human Rights could then make as its highest priority the **ratification of the human rights treaties that would allow United States citizens to present individual complaints to the United Nations human rights treaty bodies or to the Inter-American Court of Human Rights**. In addition, such a working group could then begin to implement the Agenda for Black America’s Restoration and Self Determination (<http://www.siphiwebaleka.com/blog/2020/10/22/agenda-for-black-american-restoration-and-self-determination>) while facilitating the AfroDescendant Nation *request to the UN Decolonization Committee to list us on the Decolonization List*. Were the United States to do this, it could then legitimately claim to be making progress towards protecting human rights domestically.



U.S. DEPARTMENT of STATE

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December 10, 2020

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