

# BIRTHMARK OF AFRICA



## Submission in Response to Call for Input

Permanent Forum on People of African Descent – Second Session 30 May - 2 June 2023

### **Written Submission of Birthmark of Africa to the Permanent Forum on People of African Descent**

**Pursuant** to the General Assembly resolution 75/314 which states the Permanent Forum on People of African Descent “shall be open to the participation of academics and experts on issues related to people of African descent and non-governmental organizations in consultative status with the Economic and Social Council” as well as “other non-governmental organizations, including grass-roots and community-based organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations;”

**Whereas** Resolution 75/314 emphasizes the opportunity for “the implementation of the Durban Declaration and Programme of Action;”

**Whereas** the Durban Declaration and Programme of Action (DDPA) states, “104. We also strongly reaffirm as a pressing requirement of justice that victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, as enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.”

2<sup>nd</sup> June 2023

Birthmark of Africa, a UK Human Rights and Climate Change Research Institute and on behalf of its President namely, Former UN Fellow Priscellia Robinson, would like to take advantage of this opportunity to contribute to the preparation of the final agenda of the Permanent Forum. The following submissions were made on behalf of Birthmark of Africa by its President at the official side event for the Permanent Forum namely, Breaking the cycle: Addressing Intergeneration Systemic Racism in Europe which took place on 31<sup>st</sup> May 2023.

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The measures recommended here are a holistic and legal approach to remedying structural racism and addressing, intergeneration systemic racism inequality in Europe.

## **Reparations for The Ongoing Legacies of African Chattel Slavery And Colonialism**

Breaking the cycle of any injustice often attracts the law alongside a moral obligation for redress. Where there is a legal system in place entrenched in the historical wrongs of African Chattel Slavery and which upheld and at times, participated in the continued process of African Chattel Slavery, there lies the nucleus of intergenerational systemic forms of racism.

In addressing this cycle of systemic forms of racism, the statistics and evidence of racial disparities are clear and evident throughout Europe.

Repair via a legal avenue is often difficult to advance upon a collective level where racial disparities are faced by a collective group namely African people living across Europe. This may be due to the extensive differences amongst the required need for repair amongst ethnographic groups and the different time in which they migrated.

Taking the case of the African ethnographic group referred to as the Windrush generation, their requirement within the realms of reparatory justice may be different to other ethnographic group who migrated at a later date. However, there case demonstrates what other ethnographic groups could potentially face in time to come at a later date across Europe.

The case of the Windrush generation in itself demonstrates that integrating into European society does not cure the woes of intergenerational systemic forms of racism, neither does education nor the elevation of leadership position within employment. People of African descent disproportionately face racial disparities and systemic forms of racism whilst living across Europe and advancement for justice is often done upon an individual basis serving at times, as lessons learnt.

It may be unforgiving that a memorial is erected in the honour of victims and annual events which marks the need for change, further echo's the lack of adequate process but merely a symbolic one. It is submitted that the plight of Africans throughout Europe is not taken seriously when often country representatives divulges that it is "taking great steps toward fairness and to be more inclusive..." however, they recognise the need to tackle racial disparities.

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The notion that “work is on its way” to address systemic forms of racism is not good enough when racism is working its way into European society at each triggering moment and the normalised process of dealing with the situation progressively may be doing more harm than good.

We therefore submit that where the horrors of African Chattel Slavery do not urgently warrant members states to formally issue an apology, the cries of victims of racism will not be taken seriously.

Perceptions held towards people of African descent, deep rooted in pseudo-scientific racism is an additional barrier. When the true essence for justice for individual cases is denied at a national level, it is submitted that such cycles which affects a collective group cannot be addressed.

It is submitted that Reparatory Justice is a key method to address this cycle and should not be taken likely.

## **Recommendations**

For these reasons, we urge the OHCHR to recommend that the United Kingdom and European Union:

- Administer a new bill under domestic law which must be enacted as legislation at a national level which is further agreed internationally via the United Nations in the form of ratification by member states as a legally binding agreement to address systemic racism and the ongoing legacies of African Chattel Slavery and Colonialism.
- In order to truly break the cycle of intergenerational systemic racism in Europe, member states must separately enact a Reparatory Justice Act which addresses the legacies of African Chattel Slavery, Colonialism and provides adequate redress for historical and contemporary issues which affect people of African descent. Psychologically this in itself will be impactful upon European societies but for true advancement to be made, this type of legislation must also provide sanctions at a national level for institutions such as health services, police commissions, the education sector as an example for those who fail in their duty under the law. Further

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psychologically a Reparatory Justice Act will provide enhanced moral support in addressing intergenerational trauma faced by people of African descent.

- Any bill prior to the enactment of such an Act, would require important consideration and should be drafted with the input of UN mechanisms. UN bodies, the Permanent Forum and independent experts.
- Further, the management of policies which may derive from any Reparatory Justice Act further should also consider former policies implemented which may require amendment. Policies and good practices advanced from the act should carry criminal sanctions if breached and civil law remedies in both collective and individual cases where institutions and member states fall short in addressing racial disparities. This would support recourse via primary legislation where it is suggested racism injustices were unintentional.
- The Reparatory Justice Act whether an alternative name is given, should set the standard for member states and its society at both a national and international law.