



Thurgood Marshall Civil Rights Center School of Law

July 11, 2019

Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights (IACHR)
1889 F Street, N.W.
Washington, D.C. 20006

Re: Request for a thematic hearing on reparations as a remedy for human rights violations against Afro-descendants in the United States during the 173rd Period of Sessions

Dear Executive Secretary Abrão:

The Thurgood Marshall Civil Rights Center at Howard University School of Law, along with twenty-nine co-sponsoring organizations], submit this request for a thematic hearing before the Inter-American Commission on Human Rights (“Commission”) for the upcoming 173rd Period of Session to discuss reparations for historic and ongoing human rights violations against Afro-descendants in the United States.

Purpose and Objectives of Hearing

Petitioners for this hearing seek to highlight the need for reparations for the systematic pattern of human rights violations against Afro-descendants attributable to the United States government including the crimes of slavery, Jim Crow laws, excessive and violent policing practices, mass incarceration and other forms of structural racial discrimination. A thematic hearing will provide a critical forum to (1) frame the issues of slavery and structural racial discrimination as continuing crimes and human rights violations against Afro-descendants in the United States in need of reparation; (2) increase awareness of the position of the Commission and other organizations on the legal obligation of the United States to ensure reparations (including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) for human rights violations; and (3) present trans-national perspectives and build coalitions on the need for reparations for these human rights violations.

Timeliness of this Hearing

A hearing on the issue of reparations in the 173rd Period of Sessions will be both timely and have a significant impact as there is increased attention in the United States on the issue of reparations. On June 19, the United States House of Representatives held a hearing to discuss reparations for African

Americans. The panel was convened following the introduction of H.R. 40 in the United States House of Representatives and S.1083 in the Senate. These bills call for the creation of a commission to study of the impact of slavery and to propose recommendations for reparations.¹ Also notable is that many of the Democratic candidates for the 2020 presidential election are supporting the idea of reparations for slavery and discrimination.² However, to date this discourse has largely failed to recognize the legal obligations of the United States to issue reparations under international human rights law.

Scope of Hearing

Approaching the reparations debate using the human rights framework, grounds the discussion in the protection and preservation of fundamental human rights and the government's legal obligations. This grounding emphasizes the critical principle that human rights violations warrant redress as recognized by the United Nations General Assembly in resolution 60/147 Basic Principles and Guidelines on the Right to a Remedy and Reparation.³ The hearing will provide an opportunity to add clarity to this issue and demonstrate how the legal system in the United States has exacerbated the human rights violations of slavery through its Jim Crow laws, housing policy, and the mass incarceration of African-Americans. A hearing will build on the increased national attention to the issue of reparations and complement current legislative advocacy.

Recently, United States Senate Majority Leader Mitch McConnell outlined⁴ what he believed to be insurmountable problems in the proposal for reparations. He complained that slavery was too long ago, that people alive today are not responsible for slavery, and that others have been oppressed as well. Yet no international body has suggested that reparations be limited to redressing only the harm of enslavement. For example, the Commission has suggested reparations as a remedy for police violence against Afro-descendants,⁵ while others have focused on the impact of segregation that people alive today have experienced and continue to experience.⁶

¹ Richard Gonzales, *Congressional Hearing On Slavery Reparations Set For Wednesday*, National Public Radio (June 18, 2019 10:26 PM), <https://www.npr.org/2019/06/19/733955670/house-holds-hearing-on-reparations>; See also, [congress.gov](https://www.congress.gov)

² Khorri Atkinson, *Reparations: Where the 2020 Democratic Candidates stand*, Axios (April 13, 2019), <https://www.axios.com/reparations-2020-presidential-candidates-02c9e9ac-082e-4777-955b-33c8196e64c0.html>

³ United Nations General Assembly resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) available at https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/147

⁴ Jordain Carney, *McConnell: Reparations aren't 'a good idea'* The Hill (June 18, 2019 2:42 PM), <https://thehill.com/homenews/senate/449136-mcconnell-reparations-arent-a-a-good-idea>

⁵ Inter-American Commission on Human Rights (IACHR), *Report on Police Violence Against Afro-descendants in the United States*, 2018, Inter-Am. C.H.R., O.E.A./Ser.L/V/II, Doc. 156 rev. (2018), pg. 127.

⁶ James D. Wilets, *Not a Long Time Ago: Extending the Argument for African-American Reparations for Slavery to the Crime of Legal Segregation on the Basis of International and Comparative Law*, (forthcoming).

A hearing on the issue of reparations will align with the important work of the Commission in recent years. For decades, the Inter-American human rights system has led the international community in thinking about and concretizing reparations for human rights violations. In March 2019, the Commission released a report called “Police Violence Against Afro-descendants in the United States,”⁷ the product of years of work. During the launch of the report held at Howard University School of Law, Margarete McCauley, the vice president of the Commission, reminded the audience that the Commission has a long history of recommending reparations for severe violations of human rights. The report suggested that the United States “undertake studies with the goal of creating guidelines for the reparation of historic and structural discrimination” and “provide appropriate reparation to those affected by the racially disparate impact of federal, state, and local laws and policies.”⁸ In fact, reparations programs recommended by the Commission often call for more than merely eliminating the consequences of human rights violations. Often, the goal is to go beyond addressing the effects of past human rights violations against individual people to restoring community cohesion and improving the social circumstances of the community affected.

The United Nations Working Group of Experts on People of African Descent issued a similar recommendation in 2016.⁹ The U.N. special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance recently put out a call¹⁰ for more research on human rights approaches to reparations for racial discrimination. Overall, the international human rights community has taken the position that reparations are the right remedy for racial injustice in the United States.

Should the Commission grant this request for a thematic hearing, petitioners would be ready to provide a list of experts and interested parties to invite to participate including Tah-Nehisi Coates, United States Representative Sheila Jackson-Lee, United States Senator Cory Booker and representatives from the United States Civil Rights Commission. Petitioners will also invite representatives from the US State Department to participate.

⁷ Inter-American Commission on Human Rights (IACHR), *Report on Police Violence Against Afro-descendants in the United States*, 2018, Inter-Am. C.H.R., O.E.A./Ser.L/V/II, Doc. 156 rev. (2018), pg. 155.

⁸ United Nations Human Rights Office of the High Commissioner *Statement to the media by the United Nations’ Working Group of Experts on People of African Descent, on the conclusion of its official visit to USA*, 19-29 January 2016. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=E>

⁹ Ishaan Tharoor, *U.S. owes black people reparations for a history of ‘racial terrorism,’ says U.N. panel*, The Washington Post (September 27, 2016), https://www.washingtonpost.com/news/worldviews/wp/2016/09/27/u-s-owes-black-people-reparations-for-a-history-of-racial-terrorism-says-u-n-panel/?noredirect=on&utm_term=.66505181d071.

¹⁰ United Nations Human Rights Office of the High Commissioner, *Call for submissions: Thematic report on reparations, racial justice, and equality* <https://www.ohchr.org/EN/Issues/Racism/SRRacism/Pages/ReportGA2019.aspx>

In summary, petitioners request that the Commission grant this request for a thematic hearing to address these and other pressing issues regarding reparations for human rights violations against Afro-descendants in the United States. Should the Commission have any questions regarding this matter, please do not hesitate to be in contact.

We thank the Commission in advance for its consideration of this request.

Sincerely,



Justin Hansford
Executive Director

Co-Sponsors:

American Civil Liberties Union (ACLU)
All Healers Mental Health Alliance
Association of Black Psychologists
Black Lives Matter, DC
Black Psychiatrists of America
Blacks in Law Enforcement of America
Black World 21st Century
Community Healing Network, Inc.
Drug Policy Alliance
Gay J. McDougall, Vice Chair, U.N. Committee on the Elimination of Racial Discrimination;
(organization for identification purposes only)
Human Rights Watch
Institute of the Black World 21st Century
Justice Roundtable
Justice Strategies
Leadership Conference on Civil and Human Rights
National Conference of Black Lawyers (NCBL)
National Council of Churches
National African American Reparations Commission
National Association for the Advancement of Colored People (NAACP)
National Black Justice Coalition

National Coalition of Blacks for Reparations in America

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The National Council for Incarcerated and Formerly Incarcerated Women and Girls

The Taifa Group

Transformative Justice Coalition