
Demand Catalogue by People of African Descent & Black Europeans

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Descent in Berlin**

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Chapter I: Introduction & Core Demands

1. Recognition as a Group affected by Racism

People of African Descent and Black Europeans are one of the largest minorities in Europe and highlighted as being particularly vulnerable to racism across the European Union. Estimates from the United States Congress suggest that approximately 7,000,000 to 10,000,000 individuals of African Descent currently live in Europe, building on a long history in these countries.

People of African Descent and Black Europeans (PAD & BE) across Europe face a specific form of racism, which severely inhibits their full enjoyment of human rights. We demand a **recognition of the situation of PAD & BE** in accordance with:

- CERD's General Recommendation No 34 on People of African Descent
- the findings of the UN Commission for Human Rights Working Group for People of African Descent (E/CN.4/2003/WG.20/WP.3)
- ENAR's findings on Black Europeans and People of African Descent in Europe (2012).

We further **demand that PAD & BE be recognized as affected by a specific form of racism across the European Union**. Such recognition is the necessary basis for all legal and policy attempts to reduce the effects of racial discrimination against PAD & BE across Europe.

2. Data Collection

Due to divergent classification and census systems across EU member states, there is no complete data — nonetheless the dismal effect of racism on PAD & BE across Europe is apparent. Updated, coherent, reliable and comparable data on PAD & BE across Europe is crucial to inform policies aimed at reducing racism and racial discrimination. We demand that such **data be collected in collaboration with representatives from the relevant communities, on a voluntary basis, in accordance with the right to informational self-determination and in full respect of data protection standards including the anonymized processing of data**. In the absence of broad-based diversity modeling in census data of some member states, targeted quantitative and qualitative studies need to be conducted. Such studies are fundamental to ascertain the human rights situation of PAD & BE across Europe. This is imperative especially in areas where structural racism against PAD & BE has been identified, specifically with regard to the political participation, social and economic inclusion of PAD & BE, their

access to goods and services, education and health care as well as their treatment by law enforcement and security agencies. Such targeted data collection and analysis must be carried out in regular intervals across member states, with the mandatory inclusion of representatives of targeted communities in the conceptualization, implementation and analysis of such studies.

3. Adoption of an European Framework for PAD & BE

As the PAD & BE are especially affected by structural racism, we demand that the **European Commission proposed to the adoption of the Member States, an EU Framework for national inclusion strategies of PAD & BE.** The adoption by the Member States of the European Framework for National Roma Integration Strategies (NRIS) in June 2011 marked a first step towards a European comprehensive and targeted strategy and the recognition of the specific obstacles needed to be tackled by Member States. Similarly, the specific problems faced by People of African descent in Europe implies that existing legal instruments do not address adequately this problem and must be reinforced by a comprehensive effort on the part of policy makers and civil society to tackle the specific form of racism affecting them and promote their full inclusion. A targeted EU strategy with targeted policies and actions will enable to address the distinctive difficulties faced by people of African descent. While keeping a universal and generalist approach to anti-racism, it is important to recognize that PAD & BE faces specific discrimination that also requires specific actions.

Chapter II: Employment

The employment sector marks an essential cornerstone to combat racism and defines means of participation in all sectors of society. In all European member states, PAD & BE face discrimination in the employment sector leaving them unemployed or underemployed and thereby wasting human resources. A report by the Swedish government in 2014 for example showed that more than 24% of Afro-Swedes were unemployed.

Hence, we demand:

1. To install and uphold affirmative action practices such as quotas in public institutions on all job levels (top to down) with a mandatory representation of no less than 20% of People of Color and PAD & BE as stated in ECRI General Policy Recommendation No. 14 Art. 5. Gender equality, disability, religion as well as representation of people identifying as LGBTIQ must be considered, when enacting affirmative action.

Chapter III: Justice

Racial Profiling

Racial Profiling is not merely a national, but a European phenomenon. Although Racial Profiling has been declared unlawful not only by some courts of EU member states (e.g. The Koblenz Case in Germany) but also by the Human Rights Committee (Rosalind Williams Lecraft v Spain Human Rights Committee A/64/40), still the practice is ongoing. Many courts are even unwilling to investigate the issue when brought forth to the courts as in France in October 2013.

DEFINITION:

Racial Profiling regarding People of African Descent & Black Europeans (PAD & BE) refers to the discriminatory practice by law enforcement officials of targeting individuals without concrete and reasonable justification based on the individual's race, skin color or other ascription of characteristics perceived as African features. This process of racialization plays a central role on all levels of society.

Hence, we demand:

1. To combat racial profiling by enforcing mandatory anti-racist training for all personnel in law enforcement. Within these efforts PAD & BE groups must be included, thereby building on CERD/C/GC/34 para. 41.
2. To provide technical support, training and funding to PAD & BE civil society groups to combat racism, discrimination and inequality and to uphold basic fundamental rights.
3. To put in place independent commissions of inquiries to investigate the reasons behind the disproportionate incarceration and partial sentencing of PAD & BE.
4. To put in place proportional representation of most groups affected by racism and discrimination in independent investigation bodies that need to be created.
5. To revisit judicial cases in which any suspicion of unjust punishment based on "race" has occurred. Sentences and/or punishment should be readjusted to the same level of punishment in comparable cases in which lower sentences have been given. Cases should be revisited by an independent commission of inquiry as stipulated in point 3.
6. To make the application of anti-discrimination law mandatory to all national state institutions.

Hate Speech & Hate Violence

When it comes to hate speech, national legal systems tend to focus on freedom of speech while neglecting the discriminatory character and the human rights violation of racist insults. Hate speech with a racist bias are often not recognized by investigating authorities, or not recognized as an aggravated factor. Many Black communities in Europe demand protection against racist crimes, deterrent punishment and prosecution of such crimes. Adequate compensation for victims of hate crimes is also a very important issue.

DEFINITION:

PAD & BE are with disproportionate frequency the victims of hate speech and hate violence. In most European countries, the N-word as well as blackfacing are not challenged in the public sphere. Hence, there is hardly no penalization of hate speech and hate violence in regards to these incidents.

The N-word, which can be found in many local variations in each European national context, was invented as part of colonialism and has therein embedded the concept of racist domination. Therefore, the N-word, no matter in which European language, refers to the dehumanization of Black people. The denial of this relation is systematic and demonstrates the unwillingness to deal and acknowledge the continuity of past and present racism and its effects on today's Black population in Europe.

Another form of violence that is constantly reproduced in the public sphere throughout Europe is the so called blackfacing. Blackfacing is based on the mockery of Black people by painting ones face Black and thereby ridiculing Black facial features — often lips are painted red and/or afro wigs are worn.

Hence, we demand:

1. To penalize all use of derogatory language, images and actions linked to the transatlantic slave trade and Black enslavement under the according national & European law, based on CERD/C/GC/34 para. 28. & 29 and 2000/43/EC, Art. 2 para. 3.

Chapter IV: Asylum

Most European citizens are only too familiar with the images of boat catastrophes and the death of refugees in the Mediterranean on their way to reach Europe. Most ignore, however, that European asylum policies contribute to the number of deaths by restricting safe passageways and criminalizing the people trying to help in situations of life and death. Our demands address the most pressing issues that are the ones that further endanger human lives in their thousands. As one would expect, the diversity of political and societal positions, that you would find anywhere, is also reflected in the formulated demands. The following demands are highly necessary, but not sufficient and just addressing the most urgent and immediate steps that need to be taken:

Hence, we demand:

1. The immediate elimination of harmful border infrastructures, e.g. razor wires, electrical fences and other devices causing “bodily” harm as well as harmful actions and/or practices such as pushback capsizing ships and similar dangerous and/or harmful practices, including the criminalization of rescuing activities.
2. For Asylum seekers to have the freedom to choose which country they seek asylum in within the EU irrespective of the country of arrival, and to have the option to apply to any other country if their case has not been fairly treated, according to the standards established by criteria defined by refugee and asylum seekers organizations, according to Council Directive 2003/9/EC Article 13.
3. The end of Dublin II, and that asylum seekers are not deported to the first country where they were seeking asylum from if they cannot provide a standard of life and their Human Rights, as emphasized in the Judgment of the Court (Fifth Chamber) of 19 April 2007 — Commission of the European Communities v Hellenic Republic (Case C — 72/06), OJ 96/16 of 28 April 2007.
4. Within the term of three months of an application for asylum, member states shall grant an applicant’s access to labor market, if a decision on first instance has not been taken within the three months of the presentation of an application for asylum, then this delay cannot be attributed to the applicant. Applicants in each member state shall be automatically granted access to the European labor market, until a decision on asylum is reached.
5. However asylum seekers at any stage of their asylum application shall not be kept from initiating and/or self-employment and/or starting their own business without restrictions.

6. Humanitarian assistance to asylum seekers and migrants in emergency situations must be compulsory. All forms of assistance to migrants including juridical advice must be granted by law, as stated in the United Nations Convention on the Law of Sea Article 98.
7. The creation of a public fund for information purposes destined to PAD & BE grassroots movements pertaining to issues surrounding migrations and asylum.
8. Protection of the family should be included for all people seeking asylum and/or in the asylum process irrespective of age. The concept of family is broader in many African societies than in the European context, therefore this should be taken into account to protect families from being separated.

Chapter V: Civic Education

Civic education is uniquely positioned to disseminate knowledge to people regardless of their level of education, attainment, age, profession and social position. Consequently, the continuance of racist and colonial images in civic education is especially harmful to the (self-) image of PAD & BE. One example which emphasized natural Black features as “uncivilized” is the 2011 Nivea’s multinational advertisement “Re-Civilize Yourself”. Another example of civic education being used to perpetuate colonial references, can be seen in street names found throughout European cities today, which still honor colonial rulers, highlighting colonial continuances.

Civic education remains a key medium for facilitating human rights education as stated in E/C12/1999/10/para. 1. Civic education institutions, activities and funding must therefore be revised in order to facilitate human rights in education, specifically the empowerment right of knowing about one’s human rights.

Therefore, we demand:

1. That the message of enjoyment of human rights, especially social and cultural rights, be emphasized for PAD & BE.
2. That EU funded educational, media and social media campaigns must target specific groups identified as being deprived of the full enjoyment of their human rights, thereby taking into account the CERD/C/GC/34 para. 32.
3. That all PAD & BE communities, who are identified as being deprived of the full enjoyment of their human rights, must be ensured adequate representation as both the disseminators and receivers of civic education. Within the institutional framework of civic education such representation should be implemented on all levels of society as stated in CERD Art. 2 para 1e & Art. 7, CDESCR Art. 13 para 1.
4. That in the context of civic education, it must be ensured that all racist and anti-Black content, such as that found in games, children’s songs, festive traditions, performances, etc. be replaced with images, references, names and opinions which convey the message of the inherent dignity and equality of all human beings as stated in CERD/C/GC/34 para. 61.
5. That awareness of the continued contribution of PAD & BE to Europe’s economic, public and cultural life, must be raised. The European Commission should establish a fund to support public programs, education and scholarships on and for PAD & BE across all member states, as suggested in CERD/C/GC/34 para. 66 & 4(c) & 32.

6. That public media must be obliged to include programming and content which provides human rights education especially regarding “empowerment rights”. In coordination with PAD & BE organizations, media institutions must develop educational and media campaigns to educate the public about people of African descent, their history and their culture and the importance of building an inclusive society, as highlighted in CERD/C/GC/34 para. 32.

Chapter VI: Institutional Education

The International Student Assessment (PISA) study sets its focus on “how” to teach young students and “how” to improve the situation. Considering the situation of students of African Descent, we have shifted the perspective from “how” to teach to “what” is being taught and “what” should be thought. Racist terms such as the N-word, racist and stereotypical images are commonly used in educational books from the kindergarten to higher education in countries such as Germany, Austria, the Netherlands or Sweden.

In addition a deformed predominantly white and male ‘his’tory is taught in schools, encouraging racism, sexism and discrimination.

Therefore, we demand:

1. Removal of the N-Word in all material used for educational purposes (publications, school books, children’s books, academic literature, etc.) from kindergarten to higher education, as advised in CERD/C/GC/34 para. 61 and ECRI General Recommendation No. 10 Art. II para. 2 d, f, g.
2. Introducing an appointed person in every public and civic institution (e.g. schools, government institutions, etc.) that has an educational duty for the staff, and also functions as a contact person for people (e.g. staff, pupils, students, teachers, civil servants, etc.) who are victims of racism. A person of African Descent should be involved in the selection of the appointee, or should be the appointed, drawing from Council Directive 2000/43/EC, Art. 7, para. 1 & 2 and Article 11, para. 1.
3. Protection from all kinds of racism and racist attacks (physical, verbal, institutional) within the institutions of the educational system as well as the recognition that the experience of racism is a factor that affects performance in the educational trajectory as stated in CERD/C/GC/34 para. 7 and CERD/C/GC/34 para. 62.
4. Removal of racist and stereotypical images and content, derogatory terms directed towards PAD & BE from all educational materials. They should be replaced with materials free of stereotypical or derogatory images of Black people and people of African Descent as suggested in CERD/C/GC/34 para. 61.
5. In consultation with civil society groups (e.g. experts) of PAD, the school curriculum should at all appropriate levels include content about the history, cultures and achievements of PAD in order to depict a global historical reality as advised in CERD/C/GC/34 para. 66.

6. School literature and textbooks should be revised from an African centered a decolonial perspective building on CERD/C/GC/34 para. 32.
7. Founding of interdisciplinary Africana studies departments for research and curriculum development at the major universities and higher education institutions with a focus not limited to European colonial history and the transatlantic enslavement of Africans and Black enslavement and its aftermath as stated in Council Directive 2000/43/EC/Art. 11, para. 2 and explained in CERD/C/GC/34 para. 7.
8. Recognizing the structural obstacles people of African Descent face in the educational system and countering this through affirmative action measurements in order to guarantee an active partaking of PAD & BE in the production of knowledge at universities and research institutes implementing CERD, Art.1 para 4. and CERD/C/GC/34 para. 25.

Initial Signing Parties

This demand catalog was drafted during European Network Meeting in Berlin, February 13–16, 2014 by representatives of the following organizations:

Initiative Black People in Germany (ISD) — Germany

European Network Against Racism (ENAR) — Belgium

Ebony Cultural, Arts and Human Rights Organisation — Hungary

Pan African Movement for Justice — Sweden

ENAR Sweden — Sweden

Institute for African Studies — Slovenia

ENAR Slovenia — Slovenia

Les Indivisibles — France

ENAR Hungary — Hungary

Centro Panafricano y Centro de Estudios Panafricanos — Spain

Asante — Greece

Black Dutch Movement — Netherlands

International Institute of Scientific Research — Netherlands

Prendiamo la Parola — Italy

African Empowerment Center — Denmark

New Urban Collective — Netherlands

Cross Culture International Foundation (CCIF) — Malta

Fondation Frantz Fanon — France

Pan-African League-Umoja — Spain

PAMOJA — The movement of the young African diaspora in Austria

Central Council of African Community — Germany

Africa Council Berlin Brandenburg — Germany

PAN African Women's Empowerment and Liberation —
Organisation (PAWLO e.V.) — Germany

Co-signing Parties

Co-signing organizations supporting the demand catalog are:

The African Union — African Diaspora Sixth Region (AUADS) — Germany

Fight Racism Now (FRN) — Sweden

The English International Association of Lund — Sweden

African Platform — Belgium

Working Group Panafricanism — Germany

Human Rights Consultancy — Netherlands

Afro-Swedish National Association — Sweden

Operation Black Vote — UK

AFROTAK TV cyberNomads — Germany

Multicultural Centre — Sweden

LesMigraS — Antidiscrimination and Antiviolence work area of the Lesbenberatung Berlin — Germany

Reni Eddo-Lodge — Black Feminist Writer — UK

Sharon Dodua Otoo, Author & Editor, Germany