
Keynote speech: Setting the stage—an overview of race, discrimination, and ESC in North America

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Good morning, Dean Dutra, President Orozco, all of my distinguished colleagues from academia, special guests. I want to make special mention to my colleague and friend, Professor Bracket who worked so hard and Marie who also worked so hard to help bring this on board. And to all you members of civil society who are here with us today, students, if we have any, I am really happy to be here as the Rapporteur on the Rights of People of African Descent and Against Racial Discrimination, and also, coincidentally, Head of the Unit of Economic, Social, and Cultural Affairs, which is a new unit that we have created at the OAS, and I also happen to be the Rapporteur for Canada. I want to welcome and behalf of my staff attorney who are here with us, Mr. Hilaire Sobers who you have just seen and heard, and also Mr. Mario Dupes who works with the Canada unit as well, and Hilaire works with the Rapporteurship.

I am really happy and honored to be here today. I don't usually read speeches, but today I was warned that I should post my address online so I am going to have to try to have to be a little disciplined and contain myself to the written word because of that and this is for members of civil society who cannot be here but wish to know what is happening, so I am mindful of that request. I thank all of you for your demonstration of a commitment to what is a very issue by simply attending this event and on behalf of my Rapporteurship and the entire Commission, we believe that in partnering with such a significant community actor as McGill University, that we can make more meaningful gains in advancing what is very important work of the commission, and of course many others in this room, to foster equality and justice, and in particular, to irradiate discrimination on the basis of race. This is just the beginning, albeit a small step to future collaborations, but not just collaborations in an academic sense, but it is my hope that we can stimulate interest from McGill University and from other universities to bring cases, petitions, hearings, to the Commission in Washington, right now many universities do, leading universities, and to help leave groundbreaking jurisprudence on this issue and to add to some of the what really is emblematic case law that the Commission and the Inter-American Court already has in many other areas.

This special forum is an important vehicle in addressing the objectives and the issues highlighted in our report that was mentioned by the President on the situation of peoples of African descent in the

Americas, and the background to that report really was the regional conference to the world conference against racial discrimination held in 2000, which provoked the governments of the Americas to advance substantively towards the establishment of a conceptual framework in order to raise the visibility of persons of Afro-Descent and to recognize the persistence of racism and of course to work towards eliminating it. The Rapporteurship was created in 2005, one of the more recent ones, to respond to this need, and of course our first report in 2012.

The problem of invisibility is very much a focus of that report, it aims at “increasing visibility on these issues” and the report and forums such as these help to support this objective and indeed the ownership of human rights by persons of African descent in the Americas and also other minority groups such as indigenous peoples who are represented here as well, to give a strengthening and to give persons of African descent a tool for empowerment.

Although invisibility is such an important theme, in another sense the issues that we are speaking about in this forum intertwine with economic, social, and cultural rights, so the interplay between race and economic, social, and cultural rights, in a sense is anything but invisible. We could say for example that the inequities, especially when we are talking about economic, social, and cultural rights, are glaringly obvious, and that I think is one of the contradictions, or perhaps the paradoxes. I also wanted to mention, as I speak here in Canada, I cannot help but be reminded that the black power movement of the 1970s in which many ways revolutionized attitudes about race in the Caribbean and certainly my home place [Trinidad and Tobago], started right here in Canada, at Canadian universities. I don’t know how many of you are aware of that, and I think that that is good proof that academia can indeed propel real change, so we are not just about talk shops [?].

So we will ask why, in 2013, at a time in North America, a sub region which stands as a beacon for democracy, where there are adequate laws in place, should we wish to speak in a general way about race? We often hear, “race is no longer relevant,” “we have equality, don’t we?” “It’s no longer about race, it’s about class.” These are some of the refrains that one hears when the subject of race is raised. Race discrimination is a subject on which everyone is eager to agree that yes, it is wrong, but few are willing to actively engage in further progress, or even to debate the issues. Why the deafening silence? Is it because of a genuine belief that enough progress has been made, a tacit acceptance that nothing else can be done, or is it simply a case of willful blindness? The problem of invisibility as a significant obstacle in achieving progress to what actually equality, meaningful equality, remains, and so this paradox. Racist discrimination continues to go largely unacknowledged, the inequities clearly stratified by race in the context of tangible economic rights are increasingly apparent. Persons of African descent and indigenous peoples are relegated to the worst schools, have inferior health programs, the worst paying jobs. Surely, the question of invisibility may mean different things to different groups of people of African descent. For example, on the one end of the spectrum, in the Caribbean where we do have a majority in terms of persons of African descent, and equality has been a historical goal, at this time the debate seems to be somewhat diluted because of the advent of self-governments and the initiative of education, there’s a perception that formal equality has been achieved. And so invisibility here is really

more about subtle inequities and the former ... of governance and the ... of social interaction, which nevertheless have felt internalized.

On the other hand, countries, for example, like Canada, and in the US, where persons of African descent constitute large minority groups, but exist within a long, hard-fought struggle towards formal equality in the form of a civilized liberties regime, we appear to have arrived at a pressure point of crossroads. The notion that perhaps we can do more, what more is there to do, we've done enough. This, perhaps, explains the fear that current time there's a risk that civil liberties can be eroded under a façade of formal equality, that is, in the eyes of the law, all are already equal, while society remains deeply in trouble. The reluctance of formal institutions, including courts, to see these inequities in ways that can be addressed under governance structures is a form of invisibility.

At another point of the spectrum we have, in the sub region, and of course, I speak from the standpoint of the OAS, we have the countries of Latin America, and on this subject, Mexico, part of North America, probably more resembles this group, where there are minority groups which have not engaged in the kind of historical struggles for equality that we saw in North America, where there's a kind of apathy and inability to acknowledge the need for equality until fairly recently, and we have some powerful NGOs who can speak more clearly to this, I see global rights and others here we have rule of law, who are very familiar with these issues. Here the issue of race equality was forgotten, ... seen in the most obvious of ways. So we need to assess formal equality as opposed to actual equality, is formal ... as efficient.

It is incontestable that strides have been made. In every country in the region there are laws about racial discrimination and different treatment on ground of race. Need I remind this gathering that we now have a US President who is a person of African descent? And periodically, we issue press releases celebrating the appointment of some person of African descent in some high post, and most recently one we did was the Brazil Supreme Court Judge, the first one.

Yes, these are successes. In a sense, however, the fact that they are newsworthy is a sad reflection that they are not the norm. While some, yes, may have broken through the barriers, when considered as a class or group of people, much more needs to be done before the true objectives of the quality agenda are to be achieved. Indeed, it is my belief that we cannot achieve equality in this civil and political sense if we allow the current huge inequities in the tangible human rights, economic rights in particular, to endure.

So, this forum comes at a significant point, when many of these issues are coming once again to the forefront. To give you an example, recent source of headlines, we've had a US Supreme Court decision on affirmative action, asserting the principle of strict scrutiny, whatever the subject of affirmative action crystalizes that existence of race inequities in a society, despite this agreements as how to treat it.