



Citizens Uprooting Racism in Bermuda

2016 Racial Justice Platform

CURB released its Racial Justice Platform in 2012, and has continued to refine and update the document. CURB's Racial Justice Platform is a culmination of the research, advocacy and racial justice education work we have carried out in the community over the past 10 years. We have reviewed many reports commissioned by Government over the last 50 years to address the racial disparities that continue to exist in Bermuda, and have spent many hours discussing how to address the economic disparities, social, racial and cultural disconnects that continue to plague our community.

The Need

Bermuda's struggles with racism represent a microcosm of what occurs in many countries elsewhere. CURB members' visit to South Africa in 2012 showed that although they have made strides in their truth and reconciliation process and social justice work, they struggle to confront the issues of white privilege and ongoing structural racism.

CURB's work has been recognized internationally. We quote Dr Eduardo Bonilla Silva, a leading academic, author and racial justice activist at Duke University; *"I am just emailing to let you know how impressed I am by the events CURB puts together. This is much more than ANY similar organization is doing in the US, so know that CURB's work is cutting-edge."*

In a community as small as Bermuda, there is a very real opportunity to make extraordinary steps towards real change in the area of race relations. It may be that this tiny island, with its' history of oppression, survival and adversity, will be able to provide an example to the world.

All Bermudians know that change is needed and as a society we must have the courage and determination to carry out a vision that enables us to heal and find a way forward in community. Big Change requires Big Vision. With Hope, Hard Work and a great deal of Love lives can be changed; and it is for this reason we must take on a new Vision for our society, one that will bring about a change in all our lives for the better and a more stable, healthier and racially just community.

A reconciliation process is necessary in any community that has suffered historical injustices, the legacy of which continues to burden today those who have been historically mistreated. It requires constructive actions to create a new culture of equity, fairness, equal opportunity and racial parity.

With the recent social unrest and a constant question recurring, “How do we move forward together?” We see this as an important time to restate what we believe are the key recommendations to achieve the goals of racial equity and healing in our community. Based on the release of the November 2012 Racial Justice Platform, we know that its contents are deemed controversial. However we believe that unless and until these issues are addressed we will continue to struggle with the legacies of the past and be unable to create the socially just and economically stable society we all want for ourselves and Bermuda’s future generations.

The 2016 Racial Justice Platform includes items we have added over the last 4 years which we believe are essential to creating a more equitable and just society. We urge the people of Bermuda to review these recommendations with an open mind, and endorse the concepts detailed in CURB’s updated Racial Justice Platform as a way to heal our society and create trust and respect in the community. CURB’s Racial Justice Platform is a living document and will be added to and amended as new research is obtained and feedback is received from the people of Bermuda.

“The way you help heal the world is you start with your own family.” Mother Teresa

What is Racial Justice?

It is not uncommon to hear the term ‘post-racial,’ or it being alluded to, in public discourse. In its most basic context, it is the notion that race no longer matters in society. Yet, when statistical and social data are analysed, there are stark differences by race, with one race, Whites, fairing significantly better than others. Race therefore matters and we have not moved into a post-racial era. What we propose are the first steps of a thousand-step journey toward racial justice and racial reconciliation in Bermuda.

In the Bermudian context, CURB views racial justice as a process where there is healing from past hurts, educational enlightenment, economic opportunity and alignment, and a movement towards restorative practices throughout our community, with measures including legislation put in place to ensure its sustainability.

We further believe that *“racial justice should not only repair the damage that the legacy of racism has created, but should also dismantle the current structuring of racism in ... our laws, policies and culture”* (Philanthropic Initiative for Racial Equity, 2010).

Why Now?

James Smith’s *Analysis of Emancipation Experiences in Bermuda* states, “Bermuda’s post emancipation governments failed to tackle the question of race relations directly, leaving a complex legacy of discrimination and segregation, which the present generations are trying to come to grips with.” It is as valid today as it was in 1991, with our society continuing to struggle

with the racial divide. This continuing disconnect is evidenced by the recent protests culminating in the blockade of the House of Assembly in March 2016.

As such there is an ever increasing and urgent need for the government of Bermuda to address the continuing racial disparities and ongoing discrimination in our community with concrete policies and legislation.

CURB is a non-governmental, volunteer, independent racial justice organization, and is uniquely positioned to put forward a Racial Justice Platform for consideration by the people of Bermuda. It is hoped that elected officials, and those contemplating running for public office, see this as an opportunity to provide bi-partisan support for actions that will help bring about long-term stability and equity to our community. Ultimately, the power rests with the people to drive this process.

2016 Racial Justice Platform

1. **Support for a Reconciliation Process:** The introduction of a formal, structured, process where the harms and societal divisions caused by slavery, segregation and racism, can be learned, understood, and addressed, with a view to acknowledge and heal those harms and mutually determine a path forward that is in the best interest of all. CURB is in the process of planning facilitated community conversations on race, which will begin in early 2017.
2. **Guaranteed Government Scholarships:** The reinstatement of Bermuda Government scholarships to Bermudian public school students covering 100% of tuition costs at Bermuda College for a two-year programme. The provision of scholarships to Bermudian students who graduate from the Bermuda College and go on to complete the final 2 years of a 4-year college degree outside of Bermuda at an accredited institute of higher learning.
3. **Revival of a Workforce Equity Bill:** It is accepted in the social justice arena that in order to address historical injustices and its continuing legacies, affirmative action is necessary, and this tenet is recognised by our constitution. We view a Workforce Equity Bill as a rational step forward and support its revival or new legislation which has similar goals and objectives.
4. **1% Mortgages through the Bermuda Housing Corporation, 3.5% Mortgages for Expanding Families:** The lower mortgage rates would allow first-time homeowners and expanding families who meet eligibility requirements to afford homes that suit their needs.

5. **No-claims Discount, Home-Owner Insurance:** The encouragement of a public-private sector run insurance agency that rewards home-owners for no claims, returning funds back to them whilst keeping insurance premiums affordable.
6. **Establishment of a Necessity Goods Depot:** The Government, through its international connections, to secure bulk goods from overseas and establish a Goods Depot where basic foods and household items can be purchased at affordable prices for those in need.
7. **Capital Gains Tax on Houses over a Determined Annual Rental Value:** Lord Pitt, in making recommendations after the 1977 disturbances stated the following, "*We repeat our belief that in the long run it will prove essential to regulate the transmission of inherited wealth.*" We believe that without such regulation, there will be continued and further economic division among the races, and that it is time to close the widening divisions.
8. **The Mandatory Reporting of Wealth by Race:** The reporting of wealth by race is carried out in most western societies. As part of their license, financial institutions be required to report annually, aggregate net worth data by race. This would provide necessary information to determine if the wealth divide is changing/improving.
9. **Legalization of Marijuana:** We see no need to make criminals out of individuals who use small amounts of marijuana for personal use. (See CURB's Report to the Cannabis Reform Collaborative 10 March 2014)
10. **Repeal of Section 315F of the 2005 Amendment to the Criminal Code:** We have championed for this since early 2011. This section of the Criminal Code brings persons into contact with the criminal justice system by stealth, severely limiting their life chances. We further believe that the powers granted to law enforcement agencies under the 2006 PACE Act are more than adequate to fight crime without putting public safety at risk.
11. **Greater use of Restorative Practices in the Criminal Justice System and in the community as a whole:** Bermuda has inherited the Western punitive system of justice. We strongly support the implementation of restorative justice in our criminal justice system that focuses on healing and restoring all those affected by the harm crime causes. In jurisdictions where this practice is used, there is strong evidence to suggest that victims are better able to move on with their lives, and the rate of recidivism decreases¹.

¹ We are pleased to note that since the issuance of the first Racial Justice Platform in 2012 a restorative approach to justice has begun in the Department of Corrections, and is advocated for by Senior Magistrate Juan Wolffe and Chief Justice, Ian Kawaley.

The field of restorative practices also has significant implications for all aspects of society — from families, classrooms, schools and prisons to workplaces, associations, governments, even whole nations. Restorative practices can develop better relationships among organizations' constituents and help the overall organization function more effectively. For example, in schools, the use of restorative practices has been shown to reliably reduce misbehavior, bullying, violence and crime among students and improve the overall climate and culture for learning. Everyone who finds themselves in positions of authority — from parents, teachers and police to administrators and government officials — can benefit from learning about restorative practices.

12. **Review of sections 3 and 4 of the Debtors Act 1973:** Aligned with our support for the implementation of restorative justice in our criminal justice system, we believe that alternatives to imprisonment for the non-payment of debt should be explored within the community, including participation in Drug Treatment Court and/or Mental Health Treatment Court programmes instead of imprisonment.
13. **A Complete Review of the Criminal Justice System:** We have analyzed the Tumin Report, 1992, the last publicly-released document on the Criminal Justice System, and note that not all of the recommendations of that review have been implemented. For instance: *“We recommend that offences ... or any laws that appear to discriminate on the basis of race or sex should be reviewed by a working party with a view to the abolition of those which are a legacy of an outdated era.”* Another such example, *“We recommend that consideration should be given to the idea of a half-way house as suggested by Prison Fellowship and the Salvation Army, who have both offered to establish and operate such a facility.”* Instead of repealing laws, there have been additions to the criminal code which have had the effect of unfairly targeting young black males compared to other groups.

Bermuda’s criminal justice system, the legislature, the courts, prosecutions, the Police Service, and Corrections to be fully integrated providing and exchanging current data that speaks to the overall health and fairness of the system.

14. **Racial Equity Index:** The establishment of such an index will serve as a monitoring vehicle that can measure by race, progress in education, access to health, and economic opportunity, among other variables; and to inform government and private sector of policies that will encourage and enhance racial equity. Dorothy Newman in her 1994 report entitled *Bermuda’s Stride Towards the 21st Century* stated *“Some important institutions cannot be studied because records are not kept and statistically valid surveys made that could reflect progress in race relations, or the records kept and published require revision. It is, for instance, essential in a bi-racial society for data to be collected, analysed and published by race. The fact this is not the case in some Bermuda institutions is, in itself, institutional racism.”*

15. **Workforce Survey:** The Workforce Survey should be reintroduced. This was once published annually through the Commission for Unity and Racial Equality. It included information on the racial background of employees, salaries and wages, compensation packages, as well as hiring and promotion information. It is important for this information to be publicized again to assist with the continued work with racial disparities and guide policy initiatives such as the Workforce Equity Bill.
16. **Voting Rights for those imprisoned and/or on parole:** Many countries allow inmates to vote. Examples include Australia, Canada, the Czech Republic, Denmark, France, Israel, Japan, Kenya, Netherlands, Norway, Peru, Poland, Romania, Serbia, Sweden, and Zimbabwe. In Germany, the law even calls on prisons to encourage prisoners to vote. Policies that deny voting rights to people who are paying or have paid their debt to society offend fundamental tenets of democracy and human rights.
17. **Introduction of Equality Impact Assessments through legislation and/or public procurement policy:** An equality impact assessment involves assessing the likely or actual effects of legislation, policies or services on people in respect of disability, gender and racial equality, among others. It helps ensure the needs of people are taken into account when we develop and implement new legislation, policies or services or when we make changes to same.

In the US & UK equality, diversity and inclusion requirements are embedded into public procurement procedures which has direct benefit to local and small business owners (supply chain requirements) and targeted employment opportunities for under-represented groups (positive action) tied into contract award and performance payments. This approach has significant social benefits in both the short and long term. With the Bermuda government being by far the biggest procurer of services on the island this approach is likely to have substantial benefits. Public procurement policy is the most practical and fastest method to reducing employment inequality prior to the introduction of any legislation. Evidence of this approach is well established across the US, UK and EU.

18. **Living Wage:** That every employee receive a living wage to enable them to provide basic needs for them and their families. (See CURB's opinion piece in the Royal Gazette 28 March 2015)
19. **Financial assistance:** A review and amendment of the Financial Assistance Regulations 2004, which in its current form, does not enable those on assistance to save even small amounts of money and is not flexible enough to ensure that existing bills at the time of signing up and/or bills that exceed the costs allocated in the Schedule to be paid, resulting in a never-ending cycle of debt for many financial assistance clients. The current legislation was amended in order to prevent clients from taking advantage of the programme; however, we believe that, in its current form, it is contributing to the

poverty cycle rather than enabling families/individuals to become financially independent.

- 20. Economic Intimidation:** That education about what economic intimidation looks like and how it is perpetuated is taught in schools' social studies programs. That those who commit examples of economic intimidation are dealt with by the courts as a crime. Historically economic violence was committed post-Emancipation in order to exert control over Black Bermudians. This continued post-Segregation in the form of economic intimidation, i.e. the control of Black Bermudians through the threat of withdrawing employment, loans, mortgages etc. Bermuda's Human Rights Act clearly states that discrimination based on political beliefs is a violation of a person's human rights. However, today CURB hears multiple reports of economic intimidation committed against Bermudians, with Bermudians too frightened to report on these incidences because of the fear of loss of employment and/or being actively marginalized from other job opportunities. In particular, despite it being against the Human Rights Act, discrimination based on political affiliation is rife in our society today.
- 21. Immigration Reform:** That a comprehensive bi-partisan immigration reform be urgently undertaken, taking into account Bermuda's past oppressive and discriminatory history with regard to repeated banishment of Free Blacks prior to Emancipation, subsequent Black population control policies, racialized immigration policies, biased legislation and discriminatory voting rights. Bermudians have the right to be protected.
- 22. Repeal of section 3 of the Incentives for Job Makers Act 2011:** We are concerned that section 3 of the Act, which allows people holding senior positions in companies to acquire PRC status, is unconstitutional. We believe that the Act is unfairly discriminatory in its effect, as the demographic of the category of people to which it applies is predominantly, and almost exclusively, white males. Additionally this Act allows the spouse and children of PRCs to obtain PRC in their own right.
- 23. The introduction of graduated income tax:** Sir Hugh Wooding, in his Report of the Commission following the 1968 Civil Disturbances, stated "...the system of relying on import duties for almost all of the colony's revenues bears unfairly upon the less wealthy... and the time was ripe for direct taxation." Subsequent commissions, reports following civil disturbances, social unrest and riots all carried the same message.
- 24. The creation of a Black History museum, library and research centre** exhibiting the history, culture and community of Black Bermudians; the stories of trailblazers, innovators, artisans, visionaries and history makers who helped shape the Bermuda we know today. The museum to demonstrate through an African-Bermudian lens, the political, educational, military service, culture, religion, sports, and visual arts, how the

African Bermudian story is quintessentially one of determination, faith, perseverance, pride, and resilience.

25. National Health Care - A fresh look at Health care coverage especially for seniors and the unemployed. We have a growing aging population, most of whom are employed outside of the civil service. Upon retirement our seniors have to resort to purchasing FutureCare and HIP, which for many is out of reach financially. Getting coverage is expensive and uses up the majority of a retiree's pension funds, leaving many with little to nothing to live off for the month. Some opt to having no coverage, in order to be able to eat. Unemployed individuals have no coverage, and a growing number of part-time or temporary employees are without coverage. Serious consideration needs to be given to establishing a National Health Plan to assist those who are unable to help themselves. Insurance companies should offer benefits to employees who have parents that need coverage - the parent can be added in the same way children are included on an employee's insurance.

26. The introduction and/or expansion of Black Studies curriculum in all schools and the Bermuda College: It is an oxymoron that in a majority Black country a Black studies curriculum has never been mandated in our education system. Black studies curriculums have been prepared by dedicated Bermudian researchers but have not been instituted by the Department of Education. Black history has been researched and documented by a number of eminent Black Bermudian scholars, however these books have not been widely taught in schools, used as text books, or otherwise widely disseminated, other than by individual dedicated teachers who seek to bring greater balance to their history or social studies classes. The legacy of colonialism in Bermuda's education system ensures that Bermuda's history, written from the perspective of those in power (the dominant narrative), is European-centric. A 1970 Black studies movement at the Technical Institute and Berkeley Institute was quickly curtailed with threatened expulsions. Dr. Kenneth Robinson, a Bermudian historian of considerable note, wrote a paper to Cabinet in the 1970s recommending that Black History be taught in schools, sadly it did not make it past the Minister of Education of the day. In September 2010 Berkeley Institute student, Kiaaron Minks, made a request to the Government of Bermuda for more Bermuda history in the school curriculum. There is an urgent need for our museums, institutions and schools to rise to the challenge of telling Bermuda's history from a more inclusive perspective.

CURB's workshops on *Hidden History* and *Immigration in Bermuda: Its History. Its Legacy* have repeatedly demonstrated the lack of knowledge of those educated in Bermuda about Bermuda's past oppression and its consequences. Our society's failure to teach an accurate and complete telling of Bermuda's history shows how institutional racism continues to play out today by preventing entire generations from fully knowing the critical underlying factors that have shaped, and continue to shape the society they live in. Imbedded in the legacy of colonial-inspired school systems and museums is a European-centric perspective that is both a symptom and driver of structural racism,

and an underlying cause of other issues such as challenged identity, and continuing discrimination.

27. **Reparations** – many of the items above can be looked at through the lens of reparation for past and continuing harms, i.e. repairing the damage of the past by providing responsibility and accountability.

What Does Racial Equity Look Like?

If we are making strides towards racial equity, the evidence could be in the form of the following:

- Legislation that requires the acknowledgement of the lasting impacts of slavery, segregation and post-segregation discrimination and the establishment and execution of a plan to address those impacts.
- Strong statistical association between family wealth and racial identity declines.
- Increased system or institution-based efforts to identify ways to reduce structural racism.
- Each organization has an articulated analysis of structural racism and privilege, and continually shares and strengthens its analysis throughout the leadership and the wider community.
- Sustained or endowed resources support tracking and sharing of outcomes at regular intervals over time.
- Shared commitment to the work of unifying Bermudians as a people, rejecting racism, finding strength, not resentment, in our differences.
- The creation of an educational institute to sustain and guide the process of racial healing in our homes, schools, neighbourhoods, organizations and places of worship through education and raising awareness.
- Bermuda's students are taught history that includes Black studies and the connection between the past and current day social inequities.
- Visible strengthening of Black culture and identity through a process of recall, remember, record, reflect and repair.
- Through the use of story circles, interviews and documentation elicit histories around race and use the power of these stories to tie history to current challenges and translate into recommendations for institutional change and community transformation.
- Through the use of facilitated community dialogues create a new way to talk about race.

How do we pay for it?

The need to create a more economic, social and racially just and equitable country is critical for our community. The current economic depression since 2008 has crushed those already living in poverty and many from the middle class now struggle from pay cheque to pay cheque. We

are a country in crisis and we are required to take bold steps to create a fairer and more equitable environment for all Bermudians.

CURB believes that the only way to bring about a more equitable society is the introduction of a simply structured graduated income tax, providing relief for those in crisis, and more responsibility for those earning at the high end. As part of this tax a percentage is committed to ensuring the creation of a Black History museum, library and research centre to ensure the work for racial equity and justice is continued.