

## **WHAT ARE REPARATIONS?**

Reparations are the act or process of making amends for a wrong.

### **ACCORDING TO THE UNITED NATIONS:**

Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.



### **THE NATIONAL COALITION OF BLACKS FOR REPARATIONS IN AMERICA (N'COBRA) DEFINES REPARATIONS AS:**

A process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families. Those groups that have been injured have the right to obtain from the government, corporation, institution or family responsible for the injuries that which they need to repair and heal themselves. In addition to being a demand for justice, it is a principle of international human rights law.



## THE UNITED NATIONS OUTLINES FIVE CONDITIONS THAT MUST BE MET FOR FULL REPARATIONS:

### 1. CESSATION, ASSURANCES AND GUARANTEES OF NON-REPETITION:

Under international law, a state responsible for wrongfully injuring a people "is under an obligation to a) "cease the act if it is continuing, and, b) offer appropriate assurances and guarantees of non-repetition..."

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### 2. RESTITUTION AND REPATRIATION:

Restitution means to "re-establish the situation which existed before the wrongful act was committed." Changes traced to the wrongful act are reversed through restoration of freedom, recognition of humanity, identity, culture, repatriation, livelihood, citizenship, legal standing, and wealth to the extent they can be, and if they cannot, restitution is completed by compensation.

### 3. COMPENSATION:

The injuring state, institution or individual is obligated to compensate for the damage, if damage is not made good by restitution. Compensation is required for "any financially accessible damage suffered..." to the extent "appropriate and proportional to the gravity of the violation and circumstances."

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### 4. SATISFACTION:

Satisfaction is part of full reparations under international law for moral damage, such as "emotional injury, mental suffering, and injury to reputation." In some instances where cessation, restitution, and compensation do not bring full repair, satisfaction is also needed. Apology falls under the reparative category of satisfaction.

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### 5. REHABILITATION:

Rehabilitation shall be provided to include legal, medical, psychological, and other care and services.

# REPARATIONS NOW

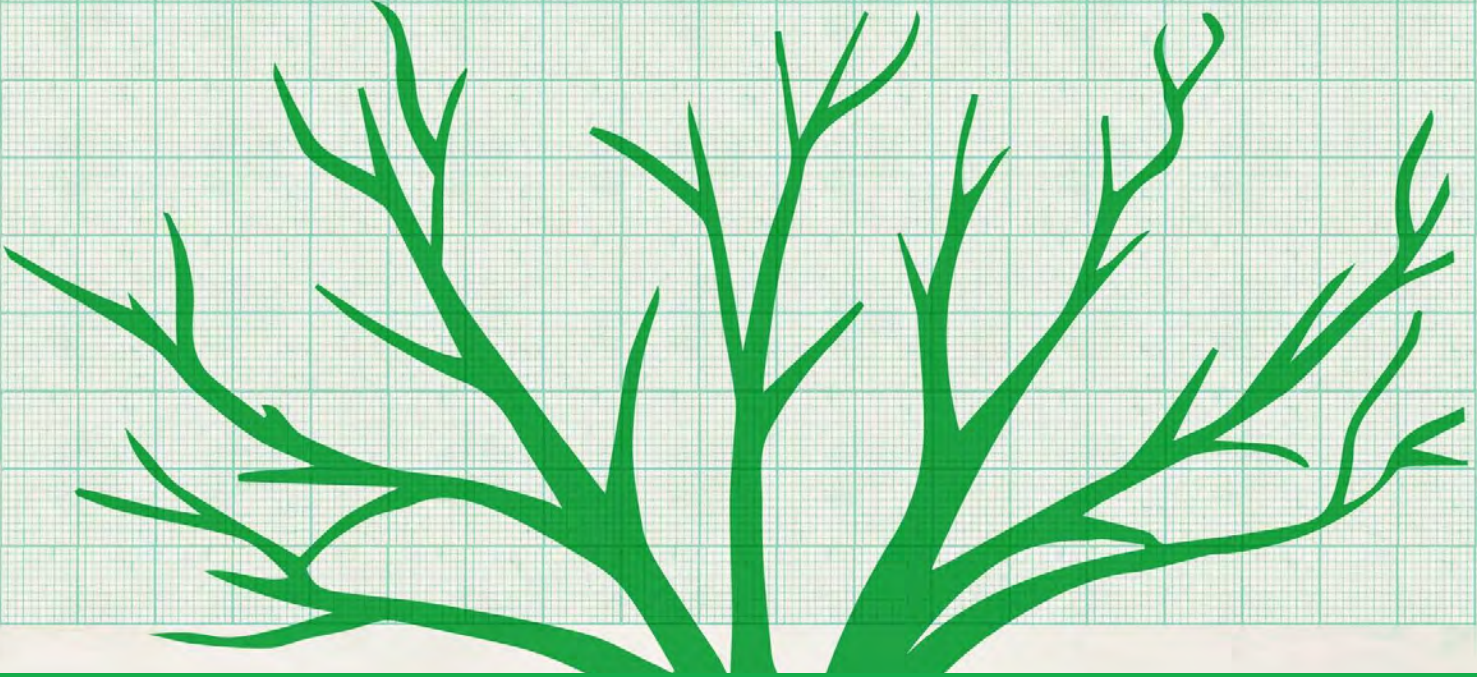




## WHAT REPARATIONS ARE NOT

There has been a lot of confusion about what reparations are and what they are not. Some presidential candidates have claimed that universal programs like baby bonds are reparations. They are not. Other people have claimed that individual GoFundMe campaigns for their own benefit are reparations. They are not.

As explored above, reparations include five key components: Cessation/Assurance of Non-Repetition, Restitution and Repatriation, Compensation, Satisfaction, and Rehabilitation. Reparations are a concept rooted in international law that involves specific forms of repair to specific individuals, groups of people, or nations for specific harms they have experienced in violation of their human rights. Therefore, reparations cannot be achieved simply through “acknowledgment or an apology” or “investment in underprivileged communities.”





## REPARATIONS ARE NOT:

- ☒ Just saying sorry or feeling bad while avoiding accountability for individual or collective contributions to the violation, or while benefiting from the harm, whether through inheritance or ongoing privileges.
- ☒ Paying an individual Black person's bills.
- ☒ Donating any amount of money to a Black institution. Unless accompanied by acts of repair, restitution, and efforts to leverage power, influence, and resources to ensure cessation and non-repetition, simply writing a check is not reparations.

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# ONWARD TO VICTORY!



W. E. DUBOIS



HEADQUARTERS OF THE



MRS. GAILLET HOUSE

## REPARATIONS ARE ALSO NOT THE SAME AS "DIVEST/INVEST"

The Vision for Black Lives includes a series of demands calling for divestment from institutions that harm Black people and investment in institutions and programs that will improve our overall physical, social, economic, and spiritual well-being. This is not the same as reparations, which require specific forms of repair to specific groups of people for specific harms they have experienced. Both reparations and divest/invest strategies are essential to our collective liberation and well-being, but are distinct approaches to achieving our goals.



## EXAMPLE

*Organizers are mounting a campaign to close a local jail. Here's how their demands would differ depending on the framework for the campaign.*

### REPARATIONS

### DIVEST/INVEST

### KEY DIFFERENCES

#### IDENTIFYING THE HARM:

People incarcerated in the local jail experience a number of harms, including physical, sexual, and spiritual violence, loss of liberty, employment, housing, family relationships, adverse health impacts, and more.

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The harms identified may be similar, regardless of which approach organizers take.

The city or county is currently spending money on incarcerating and harming people instead of spending on meeting their needs and transforming harms and conflicts and the conditions that produce them.

#### CESSATION & NON-REPETITION:

To satisfy this prong of reparations, the jail must be closed and the city or county must pass a measure preventing it from being re-opened or operated in a different form or location because we have a right to cessation and non-repetition of harms caused by the jail.

#### DIVEST:

Close the jail because the money used to run the jail should be used to meet community needs instead of criminalizing people.

While the demand might be similar here, the reason behind it is different. Often reparations focuses on the harm experienced by specific groups of people and how to ensure non-repetition of those harms, while divest/invest focuses on financial choices and community investments.



# REPARATIONS

# DIVEST/INVEST KEY DIFFERENCES

## COMPENSATION:

Compensate all people who have been harmed by the jail for:

- ☒ Time spent in the jail, including lost income/wages during time incarcerated. Any physical, sexual, emotional, or spiritual harm experienced in the jail. Any money they spent as a result of being in the jail, including phone charges, commissary purchases, fees, fines, etc.
- ☒ Time separated from partners, children, and loved ones.
- ☒ Environmental harm created by jail construction, operation, or decommissioning.

## INVEST:

Use the money the government would have spent on the jail to fund community-based services available to everyone.

Under a divest/invest framework, it is possible that investment in services that result from divestment from the jail will disproportionately benefit people who would otherwise have been held in the jail, but they will not be exclusively available to people who were previously held in the jail.

Under a reparations framework, compensation would be made to people who are able to trace a specific harm to the jail, but not to all members of a community. Moreover, the amount of compensation for individuals harmed by the jail is not tied to any specific amount of money (like how much money the government spends on the jail annually), it is based on what is needed to fully repair the harms.

## RESTITUTION & REPATRIATION:

Restore people who were held in the jail to the position they would be in if they had not been held in the jail, including restoration of lost:

- ☒ Housing, including returning them to the communities they were taken from, under conditions that enable them to reconnect with their communities and families in a meaningful way
- ☒ Employment
- ☒ Child custody
- ☒ Voting rights
- ☒ Citizenship or immigration status
- ☒ Property

## INVEST:

Some of the money may be invested in programs that attempt to restore those who were incarcerated but it is not a requirement. It is likely that investments will be made in communities and not specifically targeted to those harmed by the jail.

A requirement of reparations is that those harmed are restored back to the condition they would have been in if the harm had not happened. In a divest/invest framework, it is possible that some of the funds previously used to operate the jail that are reinvested into meeting community needs would help restore people harmed by the jail to the position they would have been in had they not been jailed, but it is not specifically promised or guaranteed.



## REPARATIONS

## DIVEST/INVEST

## KEY DIFFERENCES

### SATISFACTION:

Under a reparations framework a number of things might happen that meet the need for satisfaction. They include:

- ☒ Issue an official apology to everyone who has personally been harmed by the jail or had a family member or loved one held in the jail.
- ☒ Hold a Truth and Reconciliation Commission to expose and heal the harms caused by the jail.
- ☒ Build a memorial to those harmed by the jail and hold an annual Free the Jail event to educate the public about the historical harms caused by the jail to ensure that they will never be repeated.

### DIVEST/INVEST:

There is no guarantee of an apology, memorial, or healing process under Divest/Invest.

Reparations, unlike Divest/Invest, requires an acknowledgement of wrongdoing and an honoring and recognition of the harm caused.

### REHABILITATION:

To satisfy this prong of reparations, the state would provide healing services to those directly impacted by incarceration. This could include therapy, healthcare, acupuncture, or other healing services that help those impacted rehabilitate and recover.

### INVEST:

While some of the investments may go into healing services, they are not necessarily specifically catered to those impacted.

Rehabilitation for those harmed is a requirement for reparations. It is not a requirement for Divest/Invest.



## HOW DO I KNOW IT'S REPARATIONS AND NOT SOMETHING ELSE?

### IT IS REPARATIONS IF IT INCLUDES:

- ☒ An official acknowledgment and apology for harm, public education, or memorial about the harm; and
- ☒ Compensation to a specific, defined group of individuals harmed by a violation, including descendants, as well as family and community members of individuals directly targeted for harm who were adversely affected; and
- ☒ Action to restore individuals harmed to the position they were in before the initial harm occurred; and
- ☒ Action to stop the systems, institutions, and practices causing the harm; and
- ☒ Changes to laws, institutions, and systems aimed at ensuring that harm will not happen again.

