

OJALA
OBSERVATORIO DE JUSTICIA PARA AFRODESCENDIENTES EN LATINOAMÉRICA
INSTITUTE OF JUSTICE FOR AFRODESCENDANTS IN LATIN AMERICA
OBSERVATÓRIO DE JUSTIÇA PARA AFRODESCENDENTES NA AMÉRICA LATINA

Constitution

(Adopted on March 20, 2018)

Article I. Mission Statement

OJALA provides the space for the regional promotion of Justice for Afrodescendants in Latin America, in their acquisition and defense of community-based collective rights, and in the defense of their right to live lives free of anti-black racism, hate and discrimination.

-Article II. Title and Languages

2.1 The name of this *Observatorio*/Institute shall be

In Spanish: ***Observatorio de Justicia para Afrodescendientes en Latinoamérica (OJALA)***

In English: **Justice for Afrodescendants in Latin America Institute**

In Portuguese: ***Observatório De Justiça Para Afrodescendentes na América Latina***

The abbreviation OJALA will be used when referring to the Observatorio/Institute, in any of these three languages.

2.2 The working languages of OJALA are English, Portuguese, and Spanish.

-Article III. Objectives

3.1 The objectives of OJALA are:

1) To establish, through individual and institutional memberships, a multidisciplinary network of peoples and institutions in the Latin American region, or based elsewhere but working on the Latin American region, who share the same commitment for the promotion and defense of

Afrodescendants' human rights, particularly their collective rights and/or their right to live in a society free of anti-black racism and discrimination. OJALA will draw its membership particularly among those interested in the routine practices of Latin American legal systems, and who want to assess the utility (or lack thereof) of relevant existing legal instruments as they are used in courts and in administrative hearings to hopefully provide remedies for the benefit of Afrodescendants' human rights.

2) To establish an FIU Law School Library Repository of relevant archives of legal cases from all national contexts in the Latin American region in which a) multicultural legal instruments, b) anti-ethnically and racially-based discrimination law (sometimes called racial equality law), and/or c) any other relevant legal instrument(s) have been in use for the promotion and defense of Afrodescendants' human rights. The Repository should be made available digitally, after due registration, to attorneys from the Latin American region as they litigate new cases, and to researchers (mostly graduate students and professional researchers) working on the practices of Latin American legal systems as they pertain to Afrodescendants.

3) To design and offer tailor-made (according to specific Latin American national and legal contexts) training workshops for judges, prosecutors, attorneys, law enforcement agents, and other agents of institutions in charge of affairs related to cases of justice for people of African descent.

These workshops would have one of two foci:

a) An examination of how to accurately operationalize in specific Latin American legal systems anti-black racism, racial discrimination, racially-based hate crimes and their devastating physical and/or psychological impacts on Afrodescendants.

b) An examination of how to use existing relevant legal instruments for the promotion and defense of Afrodescendants' "ethnically-based" collective rights and right to protection against discrimination and hate.

4) To design and conduct research projects in specific national contexts and/or throughout the region (comparative in scope) aimed at producing knowledge about the use of "multicultural legal instruments," "ethno-racial law" or "anti-discrimination law," and any other type of legal instruments to protect the rights of, and produce remedies for Afrodescendants in Latin America.

5) To actively look for the private, local, state, federal funds necessary to accomplish the objectives of OJALA indicated in numerals 1 to 4 above. This fund-raising activity shall be the responsibility of OJALA's Director and Executive Committee.

-Article IV. Membership

4.1 Membership extends to all individuals and institutions interested in the purposes and undertakings of OJALA.

4.2 Membership shall be attained by registration. The participants in the February 17, 2018 meeting at FIU constitute the Founding Members of OJALA. Present membership will be constituted by a list prepared by OJALA's Secretary and made available for inspection at any time.

4.3 All active members have equal privileges, functions, and working rights.

4.4 Existing individual or institutional membership will need to be renewed every four year at the beginning of every new four-year term for Officers and Executive Committee (see below articles IV and V). The Secretary will inquire from each existing member his/her/their will to renew membership. Members who do not respond to the Secretary's inquiry will be considered inactive and thus removed from the list of active members.

-Article V. Officers

5.1 The officers of OJALA shall be:

Director

Associate Director

Secretary

The term of office of all officers begins on January 1 and ends on December 31 of the calendar year.

5.2 The Director shall hold office for four years and shall be elected by a majority vote of members conducted by e-mail in October every four years. Upon completion of his/her term of service, the director will continue serving on the Executive Committee for one year to ensure for a smooth transition.

5.3 The Associate Director shall hold office for four years and shall be elected by a majority vote of members conducted by e-mail in October every four years. The Associate Director works closely with the Director.

5.4 The Secretary shall hold office for a four-year term and shall be elected by majority vote of members of the Executive Committee every four years in October. The Secretary will manage the voting processes and OJALA's e-mail list, among other responsibilities.

5.5 Any vacancy in an office of OJALA shall be filled by an active member, subject to approval of a majority of the members of the Executive Committee, for the remainder of the given term, after which elections will be held.

-Article VI. Executive Committee

6.1 The Executive Committee shall consist of the Director, Associate Director, Secretary, and two other members elected by majority vote of members for four years. The chairpersons of OJALA standing committees shall serve as ex-officio members of the Executive Committee. Elected and ex-officio members of the Executive Committee shall be voting members.

6.2 Elected members shall serve for four years. The terms of office of elected members begin on January 1 and end on December 31.

6.3 All unanticipated vacancies on the Executive Committee shall be filled by an active member following a majority vote of the Executive Committee, to be ratified by the full membership through an electronic vote.

6.4 The Executive Committee has the prerogative to establish standing and ad hoc committees.

6.5 A Nominating Committee designated by the Executive Committee will propose a slate of candidates for Director, Associate Director, Secretary, and members of the Executive Committee. A ballot shall be submitted to OJALA members in October of the years when there are elections. New officers and Executive Committee members take office on January 1.

6.6 At each regular meetings of the Executive Committee, the Director will report about the financial situation of OJALA. The secretary will share the minutes of each meeting of the Executive Committee with OJALA's membership no more than three weeks after the meeting has been held.

-Article VII. Secretariat

7.1 OJALA's Secretariat will be housed at FIU.

7.2 For OJALA to terminate this privileged relationship of collaboration with FIU, the Executive Committee will have to vote such decision to leave FIU with 2/3 of the Executive Committee's vote. Such vote will have to be ratified by 2/3 of the voting general membership.

-Article VIII. Meetings

8.1 OJALA members shall meet face-to-face at least once every couple of years, at such time and place as the Executive Committee may determine. The Secretary shall notify each member of forthcoming meetings at least four months in advance.

8.2 The Executive Committee shall meet twice a semester, or more often as needed, even if often virtually.

-Article IX. Amendments

9.1 An amendment to this Constitution may be proposed in writing by any five members of OJALA. The proposed amendment shall be communicated by mail to all members by the Secretary at least 60 days before the date fixed for returns. A proposed amendment shall be adopted upon a favorable vote of two-thirds of the members casting ballots.

-Article X. Non-Profit Status

10.1 No substantial part of the activities of OJALA shall be legislative in nature, or involve participation to any extent in a political campaign for or against any candidate for public office. OJALA shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code or by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code.

10.2 No part of the net earnings or income of OJALA shall inure to the benefit of, or be distributed to, its members, officers, private persons, or any other activities in violation of Section 501 (c) (3) of the Internal Revenue Code.

-Article XI. Commencement Date

11.1 This Constitution shall become operative upon adoption by two-thirds of members through an electronic vote to be cast by the end of March, 2018.