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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Implementation of the International Decade for People of African Descent

Report of the Secretary-General**

Summary

The present report, submitted pursuant to General Assembly resolution [69/16](#), focuses on reparatory justice for people of African descent. It acknowledges increased acceptance of the need to address the continuing impacts of enslavement and colonialism, including through reparatory justice. It takes stock of existing frameworks and initiatives and identifies areas for further consideration.

Drawing on the observations and recommendations of United Nations bodies and experts and contributions from stakeholders, the Secretary-General recommends that States take a comprehensive approach, grounded in international human rights law, that seeks to address legacies of the past in order to build societies that are free from systemic racism and racial discrimination. To achieve these objectives effectively, the approach should be participatory, gender-sensitive and inclusive, and should combine a plurality of measures, including, where appropriate, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

* [A/78/150](#).

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16, by which the Assembly requested the Secretary-General to submit an annual progress report on the implementation of the activities of the International Decade for People of African Descent to be observed from 2015 to 2024. The programme of activities for the implementation of the Decade recognizes the need to address the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies, with a view to restoring the dignity of victims, achieving reconciliation and healing, and reversing lasting consequences.¹ In this connection, the report focuses on the need to halt and reverse the lasting consequences of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies² for people of African descent, including through reparatory justice.

2. The report draws on responses received to a questionnaire sent out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in March 2023,³ as well as on observations and recommendations of United Nations bodies and experts, including the reports of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers and the accompanying agenda towards transformative change for racial justice and equality.⁴

II. The need to address the enduring legacies of enslavement and colonialism, including through reparatory justice

A. Lack of effective response to past tragedies and crimes and their ongoing consequences

3. Africans and people of African descent were victims of enslavement, the trade in enslaved Africans, including the transatlantic trade, and colonialism.⁵ It is estimated that between 25 and 30 million people were violently uprooted from Africa for enslavement.⁶ The transatlantic trade in enslaved Africans caused the largest and most concentrated deportation of human beings, involving several regions of the world during more than four centuries.⁷ Slavery and the slave trade are prohibited under international human rights law and enslavement has been recognized among

¹ General Assembly resolution 69/16, annex, para. 17 (i)–(k).

² *Ibid.*, para. 17 (i).

³ Responses were received from 11 Member States (Canada, Chile, Colombia, Ecuador, Guatemala, Honduras, Iraq, Mauritius, Mexico, Panama and Venezuela (Bolivarian Republic of)), three national human rights institutions (Argentina, Guatemala and Mexico), 14 non-governmental organizations and civil society representatives and one international organization. The written submissions are available at www.ohchr.org/en/calls-for-input/2023/call-inputs-2023-report-united-nations-secretary-general-implementation.

⁴ See A/HRC/47/53 and A/HRC/47/CRP.1; see also A/HRC/51/53 and A/HRC/54/66 (forthcoming).

⁵ A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, paras. 13, 14 and 100, and resolution 69/16, annex, para. 17 (i).

⁶ A/HRC/47/53, para. 55.

⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), *Legacies of Slavery: A Resource Book for Managers of Sites and Itineraries of Memory* (Paris, 2018), p. 12. For an overview of the transatlantic trade in enslaved Africans, see Hilary McDonald Beckles, *Slave Voyages: The Transatlantic Trade in Enslaved Africans* (Paris, UNESCO, 2002).

the acts constituting, under specific circumstances, a crime against humanity.⁸ This was also recognized in the Durban Declaration and Programme of Action of 2001, when it states that these offences are a crime against humanity and should have always been so, especially the transatlantic slave trade.⁹ The preamble of the International Convention on the Elimination of All Forms of Racial Discrimination and several international declarations have also condemned colonialism and related practices of segregation and discrimination.¹⁰

4. Africans and people of African descent continue to be victims of systemic racism and racial discrimination as a consequence of these past tragedies and crimes until present day.¹¹ As recognized in the Durban Declaration and Programme of Action, colonialism, slavery and the slave trade are among the major sources of contemporary racism, racial discrimination, xenophobia and related intolerance.¹² UNESCO and United Nations experts have documented the linkages between the past and the present, shedding light on the economic, psychological, social, political, cultural, educational and intergenerational dimensions of the lasting and structuring impact of past tragedies and crimes in contemporary societies. They have shown that the formal abolition of enslavement and colonialism was insufficient to dismantle the racially discriminatory structures built by those practices. Instead, it often gave way to racially discriminatory policies and systems, including segregation and apartheid, that perpetuated racial discrimination, oppression and inequalities.¹³ The European Parliament and the Caribbean Community (CARICOM) have also recognized that racism suffered by people of African descent is rooted in historically repressive structures of enslavement and colonialism.¹⁴

5. People of African descent in various countries have for decades called for accountability and redress for harms suffered due to enslavement, the transatlantic trade in enslaved Africans, colonialism and successive racially discriminatory policies and systems.¹⁵

6. There have been no comprehensive reparations to date for the harms suffered as a result of enslavement, the trade in enslaved Africans and colonialism and their ongoing legacies, including systemic racism and racial discrimination. When

⁸ International Covenant on Civil and Political Rights, art. 8, Universal Declaration of Human Rights, art. 4, and Rome Statute of the International Criminal Court.

⁹ A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, para. 13. Some experts have also argued that acts that are so reprehensible as to offend the conscience of mankind, directed against civilian populations, should be classified as having always been crimes in international law. See, for example, A/HRC/39/69, para. 78; see also A/76/180, para. 23, on ex post facto classification of crimes.

¹⁰ International Convention on the Elimination of All Forms of Racial Discrimination, preamble and annex 42; A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, para. 14; Declaration on the Right to Development, preamble and art. 5; United Nations Declaration on the Elimination of All Forms of Racial Discrimination; and Declaration on the Granting of Independence to Colonial Countries and Peoples.

¹¹ A/HRC/47/53, paras. 9–10.

¹² A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, paras. 13–14.

¹³ Ali Moussa, “The slave trade and slavery: a modern founding tragedy of our modern world”, UNESCO, 23 August 2019; A/74/321; A/76/180, para. 93; A/HRC/39/69, para. 61; A/HRC/43/73, para. 89; and Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), paras. 17 and 25.

¹⁴ European Parliament resolution 2018/2899 (RSP) of 26 March 2019 on the fundamental rights of people of African descent in Europe and CARICOM ten-point plan for reparatory justice.

¹⁵ A/HRC/47/CRP.1, para. 247. See, for example, the Abuja Proclamation adopted at the Pan-African Conference on Reparations for African Enslavement, Colonization and Neo-Colonization, 27–29 April 1993, Abuja, and submissions of Solidarity for Indigenous Papuans, Association of Mixed Race Irish, Children of the Maafa, Implementación del Decenio Afrodescendiente en España and National African Student Association.

enslavement was formally abolished, some owners of enslaved Africans received compensation, whereas the victims did not.¹⁶ Although in more recent years some States have taken initiatives to apologize and address past legacies, the High Commissioner noted that as of June 2023, no State had comprehensively accounted for the past and addressed its contemporary legacies and ongoing manifestations.¹⁷

B. International and regional frameworks

7. Reparatory justice has been an element of international discussions relating to people of African descent at least since the adoption of the Durban Declaration and Programme of Action in 2001, which established the link between past tragedies and crimes, including slavery, the slave trade and colonialism, and contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In the Declaration, the moral obligation of States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices is acknowledged. It is also emphasized that remembering the crimes or wrongs of the past, condemning its racist tragedies and telling the truth about history are essential for international reconciliation and the creation of societies based on justice, equality and solidarity.¹⁸

8. Under the programme of activities of the International Decade for People of African Descent, all States concerned are called upon to take appropriate and effective measures to halt and reverse the lasting consequences of, *inter alia*, slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies, bearing in mind their moral obligations. The international community and its members are invited to honour the memory of the victims of these tragedies as a means of reconciliation and healing and called upon to contribute to restoring the dignity of the victims.¹⁹

9. Since the launch of the International Decade, an increasing willingness and emerging practice to acknowledge the need to repair the continuing impacts of enslavement, the transatlantic trade in enslaved Africans and colonialism, including through reparatory justice, at the national, regional and international levels, is apparent.²⁰

10. At the international level, the Human Rights Council adopted resolution [47/21](#) in July 2021, which, in its preamble, acknowledges that there is an increasing willingness and emerging practice to acknowledge the need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism. In September 2021, the General Assembly held a high-level meeting on the theme “Reparations, racial justice and equality for people of African descent” in commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action.²¹ In September 2022, the Human Rights Council held a panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights.²²

¹⁶ [A/74/321](#), para. 11.

¹⁷ [A/HRC/47/53](#), [A/HRC/51/53](#) and [A/HRC/54/66](#) (forthcoming).

¹⁸ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I, paras. 13, 14, 102 and 108.

¹⁹ Resolution [69/16](#), annex, paras. 17 (i)–(k).

²⁰ [A/HRC/45/47](#), para. 61, [A/HRC/47/53](#), paras. 57–59 and 62, and [A/HRC/47/CRP.1](#), paras. 251–286; see also European Commission, declaration of the European Union-Community of Latin American and Caribbean States summit, 2023.

²¹ See www.un.org/en/durban-20-anniversary.

²² OHCHR, “Acting High Commissioner: addressing the legacies of colonialism can contribute to overcoming inequalities within and among States and sustainable development challenges of the twenty-first century”, press release, 28 September 2022.

11. The Secretary-General and the High Commissioner²³ have spoken on several occasions about the need for reparatory justice and encouraged States to initiate comprehensive processes to halt, reverse and repair the lasting consequences of past legacies. In the agenda towards transformative change for racial justice and equality, the High Commissioner encourages States and other stakeholders to confront past legacies, take special measures and deliver reparatory justice. The agenda provides recommendations for further action to: (a) acknowledge that truth, justice and reparations with regard to enslavement, the transatlantic trade in enslaved Africans and colonialism and their legacies contribute to non-recurrence and reconciliation and benefit all of society; (b) construct a shared narrative on these past legacies and their enduring consequences; (c) ensure effective participation of people of African descent and their communities in these processes; (d) make amends for centuries of violence and discrimination; and (e) dismantle structures and systems rooted in these past legacies and re-envision public spaces.²⁴ It is also stressed in the agenda that reparatory justice is essential for transforming relationships of discrimination and inequity and creating societies for all based on justice, equality and solidarity.²⁵

12. The Permanent Forum on People of African Descent has affirmed that reparatory justice is primarily about rectifying and transforming systemic and structural injustices that were established by past injustices and crimes against humanity – and in their place establish social and global justice in the sense of full and equal enjoyment of human dignity, rights and non-discrimination.²⁶

13. The Committee on the Elimination of Racial Discrimination has called on States to effectively acknowledge in their policies and actions the negative effects of the wrongs occasioned on people of African descent in the past, including colonialism and the transatlantic slave trade.²⁷ In its concluding observations on the periodic reports of some State parties, the Committee has raised concerns about insufficient awareness of slavery and the colonial past and the fact that these past legacies continue to fuel racism and racial discrimination in some countries.²⁸ It has made recommendations to some State parties to adopt measures to address the ongoing legacies of slavery and colonialism, including public apologies and educational and awareness-raising measures, as part of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.²⁹

14. The Working Group of Experts on People of African Descent has documented the ways in which governments and private actors have participated in, and benefited from, these crimes and tragedies of the past in several countries.³⁰ It has made specific

²³ See, for example, statements by the High Commissioner for Human Rights at the high-level meeting of the General Assembly on 22 September 2021, at the debates in commemoration of the International Day for the Elimination of Racial Discrimination during the forty-ninth and fifty-second sessions of the Human Rights Council, on 28 March 2022 and 29 March 2023, and at the first session of the Permanent Forum on People of African Descent, 5 December 2022.

²⁴ [A/HRC/47/53](#), para. 62 and annex, sect. IV.

²⁵ [A/HRC/47/CRP.1](#), paras. 296 and 306.

²⁶ Permanent Forum of People of African Descent, preliminary conclusions and recommendations on its first session, Geneva, 5–8 December 2022, paras. 9, 13 and 21–23; see also [A/HRC/54/68](#) (forthcoming).

²⁷ Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), para. 17.

²⁸ [CERD/C/USA/CO/10-12](#) and [CERD/C/NLD/CO/22-24](#).

²⁹ [CERD/C/DNK/CO/22-24](#), para. 31, [CERD/C/USA/CO/10-12](#), para. 58, [CERD/C/LUX/CO/18-20](#), para. 26, [CERD/C/NLD/CO/22-24](#), para. 28, [CERD/C/MUS/CO/20-23](#) and [CERD/C/MUS/CO/20-23/Corr.1](#), para. 17, [CERD/C/GBR/CO/21-23](#), para. 35, [CERD/C/ESP/CO/21-23](#), para. 30, and [CERD/C/NLD/CO/19-21](#), para. 16.

³⁰ [A/HRC/30/56/Add.1](#), [A/HRC/30/56/Add.2](#), paras. 109–112, [A/HRC/33/61/Add.2](#), para. 94, [A/HRC/36/60/Add.1](#), [A/HRC/36/60/Add.2](#), [A/HRC/39/69/Add.2](#), [A/HRC/42/59/Add.1](#), [A/HRC/42/59/Add.2](#), [A/HRC/51/54/Add.1](#), para. 83, and [A/HRC/51/54/Add.2](#).

recommendations to States to ensure that reparations are made for the centuries of harm and historical injustices suffered by people of African descent, notably as a result of enslavement and colonialism. It has recommended that States consider the CARICOM ten-point plan for reparatory justice as a guiding framework. In addition to financial compensation, it encouraged States to consider a range of measures, including public apologies, special measures and educational and awareness-raising initiatives with a view to disseminating accurate narratives about historical facts related to enslavement and colonialism.³¹

15. The former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance has addressed the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, stressing the need for a structural and comprehensive approach to reparations that accounts for historical wrongs and the persisting structures of racial inequality, discrimination and subordination rooted in slavery and colonialism. She has noted that reparations for people of African descent could not be fully achieved without a process of decolonizing international and national approaches to reparations and that survivors and victims should be at the centre of these approaches.³²

16. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has stressed the need to adequately address past crimes – committed during an armed conflict or by a repressive regime – to build a democratic, pluralistic, inclusive and peaceful society.³³ He has argued that the components and tools developed by transitional justice offer lessons and experiences that could be useful in responding to the legacy of violations of human rights and international humanitarian law stemming from colonialism and that transitional justice offers a privileged vantage point from which to address the deeper causes of colonial violence, notably through the establishment of truth commissions, reparation programmes, public apologies, memorialization and education measures, and guarantees of non-recurrence. He has also underlined the importance of the effective participation of and consultation with the victims and affected communities.³⁴

17. At the regional level, CARICOM presented its ten-point plan for reparatory justice in 2014, which is aimed at achieving reconciliation, truth and justice for victims of slavery, genocide and racial apartheid and their descendants. In 2019, the European Parliament adopted a resolution on the fundamental rights of people of African descent in Europe, in which it calls for European Union institutions and member States to take steps towards meaningful and effective redress for past injustices and crimes against humanity.³⁵ In December 2022, the African Commission on Human and Peoples' Rights adopted its first resolution on Africa's reparations agenda and the human rights of Africans in the diaspora and people of African descent worldwide, in which the Commission called on States to establish a committee to consult, seek the truth and conceptualize reparations from Africa's perspective, describe the harm occasioned by the tragedies of the past, establish a case for reparations (or Africa's claim), and pursue justice for the trade and trafficking in

³¹ [A/74/321](#), para. 57, [A/HRC/39/69](#), para. 78, [A/HRC/39/69/Add.2](#), para. 82, [A/HRC/42/59/Add.2](#), para. 74, [A/HRC/45/44/Add.2](#), para. 111, [A/HRC/48/78](#), paras. 15 and 83, and [A/HRC/51/54/Add.2](#), para. 67.

³² See [A/74/321](#).

³³ [A/HRC/45/45](#), para. 20

³⁴ See [A/76/180](#); see also communication Nos. JPN 1/2016, KOR 2/2016, GBR 13/2020, KEN 3/2021, GBR 5/2021 and CAN 4/2021.

³⁵ European Parliament resolution 2018/2899 (RSP).

enslaved Africans, colonialism and colonial crimes and racial segregation and contribute to non-recurrence and reconciliation of the past.³⁶

C. Challenges and areas for further consideration

18. The right to adequate, effective, prompt and appropriate remedies, including reparation for victims of violations of human rights, is enshrined in international and regional human rights instruments.³⁷ According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, remedies for gross violations of international human rights law include the victim's right to: (a) equal and effective access to justice; (b) adequate, effective and prompt reparation for harm suffered; and (c) access to relevant information concerning violations and reparation mechanisms. Under international human rights law, reparation is not limited to compensation, but also includes restitution, rehabilitation and measures of satisfaction, such as guarantees of non-repetition.³⁸ Victims also have the right to the truth.³⁹ These responses should be proportional to the gravity of the violations and the harm suffered.⁴⁰

19. Under the International Convention on the Elimination of All Forms of Racial Discrimination, States parties shall prohibit and eliminate racial discrimination in all its forms, which may include contemporary forms of racial discrimination that are rooted in enslavement and colonialism. They also have positive obligations to take special and concrete measures to ensure the full and equal enjoyment of human rights and fundamental freedoms for all, including people of African descent. The Convention also provides for the right to remedies and reparation for victims of racial discrimination.⁴¹

20. Ensuring accountability and redress for the historical wrongs and harms suffered as a result of enslavement and colonialism and their enduring consequences is complex and poses challenges, notably owing to the broad temporal and material scope of the wrongs and harms at stake.⁴² Several States have admitted a moral, and sometimes historical and political, responsibility for these past wrongs and harms,⁴³ while rejecting legal responsibilities on grounds such as the intertemporal principle in international law and statutes of limitation.⁴⁴ Other challenges include the difficulty of identifying alleged perpetrators and victims when the harms have been suffered on

³⁶ ACHPR/Res.543 (LXXIII) 2022.

³⁷ Universal Declaration of Human Rights, art. 8; International Covenant on Civil and Political Rights, art. 2; International Convention on the Elimination of All Forms of Racial Discrimination, art. 6; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 14; and Convention on the Rights of the Child; see also Human Rights Committee, general comment No. 31 (2004); American Convention on Human Rights, art. 25; European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 13; African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, sect. C; and Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex).

³⁸ Human Rights Committee, general comment No. 31 (2004); and Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, paras. 11, 15 and 18.

³⁹ See [E/CN.4/2005/102/Add.1](#).

⁴⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims.

⁴¹ International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2, 5 and 6.

⁴² [A/76/180](#), paras. 57 and 94, [A/HRC/47/53](#), para. 60, and [A/HRC/47/CRP.1](#), para. 289.

⁴³ [A/HRC/47/CRP.1](#), paras. 259, 261 and 263.

⁴⁴ [A/74/321](#), paras. 48–49, and [A/76/180](#), paras. 23 and 27–29.

a massive scale over long periods of time. In most cases, the pursuit of legal claims is complex. However, such difficulties cannot be the basis for nullifying the existence of underlying legal obligations.⁴⁵

21. The High Commissioner has noted that delineation of State responsibility and the design and financing of effective reparations programmes that address the temporal and material scope and possible beneficiaries are challenging to define and negotiate and raise complex issues, notably regarding financial compensation claims. Yet, in some contexts victims and perpetrators may still be alive. Furthermore, the continuous nature of some acts and crimes, as well as the exceptions of statute of limitations for serious human rights violations that constitute international crimes, may also provide possible avenues to surmount challenges.⁴⁶ Meaningful reparations for enslavement and colonialism may also comprise other measures, including through legislative and political channels.⁴⁷ Ultimately, the greatest barrier to reparations for colonialism and slavery may be that the biggest beneficiaries of both lack the political will and moral courage to pursue such reparations.⁴⁸

22. As noted by the High Commissioner, reparations are one element of accountability and redress.⁴⁹ Reparatory justice requires a multipronged approach grounded in international human rights law.⁵⁰ This approach may encompass but is not limited to reparations. There is no one-size-fits-all model to address these issues. Reparatory justice processes should be tailored to the specificities of the situation in the country and to the demands of affected communities.⁵¹ Further research, discussions and consultations are required, notably to understand what would constitute redress for people of African descent and the barriers they face. It is necessary to raise awareness and understanding about the linkages between past conduct and contemporary forms and manifestations of systemic racism and racial discrimination. The very process of establishing the truth about the legacies of enslavement and colonialism is an integral part of a comprehensive approach to reparatory justice (see sect. III.C below). Further legal research could also be helpful to delineate responsibility and with regard to the material and temporal scope of the wrongful acts.

III. Comprehensive and human-rights based approach to reparatory justice for people of African descent

23. Drawing on the above-mentioned frameworks and contributions of stakeholders, this section outlines key elements for a comprehensive approach to reparatory justice grounded in international human rights law. Reparatory justice is not just about addressing the wrongful acts of the past, it is about building societies that are truly inclusive, equal and free from racism and discrimination. A comprehensive approach should, therefore, address the past, present and future.⁵² It should be participatory, gender-sensitive and inclusive and should combine a plurality of measures aimed at restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

⁴⁵ A/74/321, para. 51.

⁴⁶ A/HRC/47/CRP.1, para. 289.

⁴⁷ A/74/321, para. 51, and A/HRC/47/53, para. 64.

⁴⁸ A/74/321, para. 15.

⁴⁹ A/HRC/47/53, para. 64.

⁵⁰ Ibid.

⁵¹ A/HRC/47/CRP.1, paras. 289 and 304.

⁵² Resolution 69/16, annex, para. 17 (i)–(k), A/76/180, para. 86, A/HRC/47/CRP.1, sect. V.C.5, and Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), para. 66.

A. Participation

24. The design and implementation of reparatory justice measures should be guided by people of African descent through effective, meaningful and equal participation.⁵³ The rights of victims and civil society to participate in processes of accountability and redress, including truth-seeking, reparations and non-repetition, has been recognized in the updated set of principles for the protection and promotion of human rights through action to combat impunity and by several special procedures mandate holders.⁵⁴

25. Effective, meaningful and equal participation, including of women and youth, is essential to ensure that the needs of affected people and communities are considered and their lived experiences are accurately reflected at all stages in truth seeking, reparations and memorialization processes, including through broad and inclusive consultations.⁵⁵ Participatory processes should be inclusive of everyone and grounded in an intersectional, gender-sensitive approach and seek to mobilize civil society, religious leaders, community leaders, business, politicians and public servants.⁵⁶ They should take place in a safe and enabling environment. Participants should be offered the opportunity to understand the issues to be addressed during consultations.⁵⁷

B. Intersectional, gender-sensitive and inclusive approach

26. A comprehensive approach to repairing the legacies of the past should be grounded in a gender-sensitive, intersectional and intergenerational analysis of the impacts of enslavement, the transatlantic trade in enslaved Africans, colonialism and successive racially discriminatory policies and systems.⁵⁸ The need to address the gender-related dimensions of racial discrimination was recognized in the Durban Declaration and Programme of Action and has been reaffirmed by the Committee on the Elimination of Racial Discrimination.⁵⁹

27. Gender-related considerations should be taken into account throughout the reparatory justice process, including by recognizing the gender-related nature of past harms and their lasting consequences, removing barriers to participation and ensuring that measures taken do not perpetuate gender inequality. For example, truth-seeking initiatives should examine the causes and consequences of sexual and gender-based violence and reparation programmes should identify measures with differential impact between the sexes.⁶⁰

28. Reparatory justice processes should also consider the multiple and intersectional forms of discrimination at stake. Concerted efforts should be made for inclusive processes, taking into account the needs of children and young people and other

⁵³ [A/HRC/47/53](#), para. 63. See also OHCHR, guidance note on how to effectively implement the right to participate in public affairs: a spotlight on people of African descent ([A/HRC/54/66](#), annex, forthcoming).

⁵⁴ [E/CN.4/2005/102/Add.1](#). See [A/HRC/34/62](#), [A/HRC/36/60/Add.2](#), para. 68, [A/HRC/39/69/Add.1](#), para. 49, and [A/HRC/51/54/Add.1](#), para. 83 (t).

⁵⁵ [A/74/308](#), para. 10, [A/HRC/34/62](#), para. 26, and [A/HRC/39/28](#).

⁵⁶ [A/77/294](#), para. 99, and [A/HRC/47/CRP.1](#), paras. 303–304.

⁵⁷ [A/71/567](#), paras. 16 and 47.

⁵⁸ [A/HRC/47/CRP.1](#), para. 292.

⁵⁹ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I, para. 69, and Committee on the Elimination of Racial Discrimination, general recommendations No. 25 (2000) and No. 34 (2011).

⁶⁰ [A/74/147](#), para. 7, [A/75/174](#) and [A/HRC/47/CRP.1](#), para. 294.

persons subjected to multiple and intersectional forms of discrimination throughout the process, from the design to monitoring of reparatory justice measures.⁶¹

C. A multipronged approach

29. As mentioned above, reparations comprise different forms, namely compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition, which work in a complementary manner to effectively achieve reparatory justice. What is required is a plurality of measures in recognition of the magnitude and seriousness of the violations and their enduring consequences.⁶²

30. Furthermore, national processes should be complemented by international processes, including inter-State consultations, cross-boundary initiatives and cooperation, to reflect the realities that enslavement and colonialism were transatlantic and global in nature. These processes could entail access to regional and international procedures, as well as the establishment of international reparatory justice programmes.⁶³

31. At the local, national and regional levels, bodies established to consider the legacies of enslavement and colonialism have recommended the adoption of multipronged approaches combining truth-seeking measures with formal apologies, memorialization, reparations, rehabilitation and structural measures as a means of non-repetition.⁶⁴

32. Some private actors, including business enterprises, media and universities, have also combined in-depth investigation into their involvement in colonialism and enslavement, with public apologies, financial support and memorialization initiatives.⁶⁵

Truth-seeking and truth-telling processes

33. Truth-seeking and truth-telling processes are a form of satisfaction that contribute to repairing harm through the verification and full and public disclosure of facts.⁶⁶ All people should know the truth about past crimes and the circumstances and reasons that led to their perpetration.⁶⁷ Establishing the truth about the historical root causes of systemic racism and racial discrimination may provide a safeguard against recurrence. It is essential for international reconciliation and the creation of societies based on justice, equality and solidarity.⁶⁸

34. To give effect to the right to truth, appropriate action should be taken to consult with affected persons to determine ways of establishing a proper factual account of

⁶¹ A/HRC/47/CRP.1, para. 293.

⁶² Human Rights Committee, general comment No. 31 (2004), para. 16; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 18; [A/74/147](#), paras. 52 and 57–60; [A/HRC/45/45](#), para. 21; and A/HRC/47/CRP.1, para. 295.

⁶³ [A/HRC/47/53](#), para. 65, and A/HRC/47/CRP.1, para. 301; see also [A/HRC/39/69](#), para. 78, and [A/HRC/54/68](#) (forthcoming).

⁶⁴ See, for example, the 2011 report of the Truth and Justice Commission in Mauritius, the 2014 CARICOM ten-point plan for reparatory justice, the 2022 report of the Truth and Reconciliation Commission in Colombia, the 2023 report of the Advisory Board of the Slavery History Dialogue Group of the Kingdom of the Netherlands, and the 2023 final report of the California Task Force established to study and develop reparation proposals for African Americans.

⁶⁵ See, for example, Olivette Otele, “More than money: the logic of slavery reparations”, *The Guardian*, 31 March 2023; see also www.georgetown.edu/slavery/.

⁶⁶ A/HRC/47/CRP.1, para. 253.

⁶⁷ [E/CN.4/2005/102/Add.1](#), principle 2.

⁶⁸ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I, para. 106.

historical wrongs and possible violations committed.⁶⁹ The full participation of affected communities and the cooperation of States and other stakeholders concerned are of paramount importance for the success of fact-finding processes.⁷⁰

35. Some States, as well as local governments and authorities, have initiated truth-seeking processes.⁷¹ Most recently, in Colombia the President created a national intersectoral commission on historical reparation to overcome the effects of racism, racial discrimination and colonialism on ethnic communities.⁷² This decision followed the release of the Truth and Reconciliation Commission's final report in July 2022, which addressed the impact of the armed conflict on ethnic populations, including on people of African descent.⁷³ In Belgium, the parliamentary commission established to look into the country's colonial past presented its recommendations in December 2022, which were not endorsed by the Parliament.⁷⁴ In the Kingdom of the Netherlands, the Advisory Board of the Slavery History Dialogue Group, which was established in 2020, issued its final report in July 2021 in which it recommended that the State proceed, among other measures, with recognition of, apologies for and recovery from the history of slavery.⁷⁵

36. Promoting academic research and in-depth analysis of the history of enslavement and colonialism and its ongoing impact also contributes to establishing the truth. The Slave Trade Archives Project of UNESCO has contributed to improving access to and the safeguarding of original documents related to the transatlantic slave trade and slavery throughout the world.⁷⁶

37. As part of truth-seeking and truth-telling processes, States should take actions to prevent the disappearance of evidence and ensure access to archives.⁷⁷ The collection and dissemination of information related to the legacies of enslavement and colonialism from historical sources helps to ground public debates in evidence and counteract harmful misconceptions. It also has the potential to empower people of African descent.⁷⁸

38. Business enterprises should also assess their own links to and how they benefited from enslavement and colonialism in their ongoing and past operations.⁷⁹ For instance, in the United States of America, several states and local communities have passed disclosure ordinances, requiring businesses to search and reveal records of their involvement in slavery and the slave trade.⁸⁰

⁶⁹ E/CN.4/2005/102/Add.1, principle 5.

⁷⁰ A/76/180, paras. 45, 50 and 52, and A/HRC/42/59/Add.1, para. 75.

⁷¹ A/HRC/47/CRP.1, paras. 253–257; see also submission of Mauritius.

⁷² Submission of Colombia. See also, Colombia, Presidential Decree No. 1874/22 of 2022 (available at www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=194716).

⁷³ See www.comisiondelaverdad.co/resistir-no-es-aguantar.

⁷⁴ *Le Temps*, “La Belgique échoue à présenter des “excuses” pour son passé colonial”, 10 June 2023 (available at www.letemps.ch/monde/europe/belgique-echoue-presenter-excuses-passe-colonial); see also para. 44.

⁷⁵ Kingdom of the Netherlands, National Office of the Caribbean, “Advisory board of the slavery past dialogue presents final report ‘Chains of the Past’”, 1 July 2021.

⁷⁶ See www.unesco.org/en/articles/slave-trade-archives.

⁷⁷ E/CN.4/2005/102/Add.1, principle 5.

⁷⁸ A/77/333, para. 10, and A/HRC/47/CRP.1, para. 296.

⁷⁹ A/HRC/47/CRP.1, para. 302.

⁸⁰ See, for example, California's Slavery Era Insurance Policies of 2000; the city of Los Angeles's Slavery Disclosure Ordinance of 2003; and the city of Philadelphia's Business, Corporate and Slavery Era Insurance Ordinance of 2005, among others.

Public apology and acknowledgement

39. Public apology, including acknowledgement of the facts and acceptance of responsibility, is another form of satisfaction under international human rights law.⁸¹ United Nations experts have recommended that States consider initiatives to effectively acknowledge and apologize for the negative effects of past wrongs on people of African descent.⁸² In the Durban Declaration and Programme of Action and the programme of activities of the Decade, States are encouraged to express remorse or present apologies.⁸³ At the regional level, the Inter-American Court of Human Rights has also recognized public apologies as a form of satisfaction.⁸⁴ Full formal apology is one of the measures identified in the CARICOM ten-point plan for reparatory justice.⁸⁵ In its resolution of March 2019, the European Parliament encouraged member States to consider offering public apologies as a form of reparation.⁸⁶

40. To be fully effective as reparation and guarantee of non-repetition, the public apology should include a clear acknowledgement of the nature, scale, duration and impact of the harm inflicted, including its gender dimensions; the truthful admission of responsibility for the harm inflicted; and a clear statement of remorse and regret for the named harms. The language, style and context of the delivery should be carefully chosen. As stated by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition, the apology should be delivered by a person with the necessary leadership and credibility to represent those who inflicted the harms.⁸⁷

41. Prior engagement with those to whom the apology is addressed is a prerequisite to ensure that the apology is delivered with due respect, dignity and sensitivity to the victims and responds to their needs and expectation. Prior consultation with the apologizing constituency is also important.⁸⁸

42. Some States have taken steps in expressing apologies, regrets and acknowledgement for past harms resulting from enslavement and colonialism.⁸⁹ On the 106th anniversary of the abolition of slavery in the Kingdom of the Netherlands, in July 2023, the King of the Netherlands apologized for his country's historical involvement in slavery and the effects that it still has today.⁹⁰ In December 2022, the Prime Minister had expressed an apology for past actions of the Dutch State to enslaved people, which had raised criticism regarding the extent of meaningful participation.⁹¹ In Portugal, in April 2023, the President affirmed that the State should apologize and assume full responsibility for colonialism and slavery.⁹² In the Bolivarian Republic of Venezuela, the Government initiated discussions with victims

⁸¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 22.

⁸² A/76/180, para. 72, A/HRC/36/60/Add.1, para. 84, A/HRC/42/59, para. 96, A/HRC/42/59/Add.1, para. 75, A/HRC/48/78, para. 83, and CERD/C/NLD/CO/22-24, para. 28 (a).

⁸³ A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, paras. 13, 100 and 106, and resolution 69/16, annex, para. 17 (i).

⁸⁴ See, for example, Inter-American Court of Human Rights, *Case of the Plan de Sánchez Massacre v. Guatemala*, Judgment (Reparations), 19 November 2004.

⁸⁵ CARICOM ten-point plan for reparatory justice.

⁸⁶ European Parliament resolution 2018/2899 (RSP), para. 8.

⁸⁷ A/74/147, paras. 51–56.

⁸⁸ Ibid.

⁸⁹ A/HRC/47/CRP.1, paras. 258–263.

⁹⁰ Donna Ferguson, “Dutch king apologizes for country’s historical involvement in slavery”, *The Guardian*, 1 July 2023.

⁹¹ Mark Rutte, Prime Minister of the Kingdom of the Netherlands, speech on the role of the Netherlands in the history of slavery, 19 December 2022.

⁹² Marcelo Rebelo de Sousa, President of Portugal, speech during the solemn commemorative session of the forty-ninth anniversary of the Carnation Revolution, 25 April 2023.

in May 2022 to prepare an official public acknowledgement for the forced eviction of the Afro-Araguan people of Turiamo.⁹³ In Belgium and the United Kingdom of Great Britain and Northern Ireland, questions were raised in the Parliaments on an official apology to the victims of colonialism and slavery, in December 2022 and April 2023 respectively, but no agreements were reached.⁹⁴ In Colombia, the Truth Commission held a meeting in December 2022 where former members of the Revolutionary Armed Forces of Colombia – People’s Army recognized the violence committed against ethnic communities, including people of African descent.⁹⁵

43. In 2021, the Mayor of Amsterdam apologized for the involvement of the city’s authorities in the slave trade.⁹⁶ Businesses, the media and universities have issued apologies, notably in France, the Kingdom of the Netherlands, the United Kingdom and the United States.⁹⁷

Memorialization, including education and awareness-raising

44. Without the memory of the past, there can be no right to truth, justice or reparation, or guarantees of non-repetition.⁹⁸ Memorialization can constitute a form of satisfaction. Together with educational and awareness-raising measures, it can also help to guarantee non-repetition.⁹⁹ The Secretary-General, the High Commissioner and several United Nations experts have called on States to take measures to preserve and commemorate the memory of these past tragedies and their legacies and to ensure their accurate reflection and dissemination through school curricula and awareness-raising campaigns.¹⁰⁰

45. Memorialization processes require States to play an active role in preserving and making accessible archives and other evidence.¹⁰¹ This should aim at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.¹⁰² The participation of people of African descent in memorialization processes is also of critical importance.¹⁰³

46. Memory policy and work are multidimensional and may include commemoration and tribute to victims (e.g. memory laws, national days of memory), measures related to public spaces (e.g. memorial sites, commemorative monuments, renaming of streets and public places), artistic and cultural expressions

⁹³ Submission of the Bolivarian Republic of Venezuela.

⁹⁴ Gaëlle Ponselet, “Belgian colonial past: Commission fails on apology to victims”, JusticeInfo.net, 19 January 2023; and Joshua Nevett, “Slavery: Rishi Sunak rejects call to apologise and pay reparations”, BBC News, 26 April 2023.

⁹⁵ Submission of Observatorio Afrodescendiente Internacional; see also Colombia, Truth Commission, “Las verdades del pueblo negro, afrocolombiano, raizal y palenquero”, 18 December 2020 (available at <https://web.comisiondelaverdad.co/actualidad/noticias/las-verdades-del-pueblo-negro-afrocolombiano-raizal-y-palenquero>).

⁹⁶ A/HRC/51/53, para. 57.

⁹⁷ A/HRC/47/CRP.1, paras. 260–265, and A/HRC/51/53, para. 59.

⁹⁸ A/HRC/45/45, para. 21.

⁹⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 22 (g)–(h), and A/HRC/47/CRP.1, paras. 308–309.

¹⁰⁰ See, for example, A/74/308, para. 57; A/76/180, para. 75; A/HRC/30/56/Add.1, para. 117; A/HRC/30/56/Add.2, paras. 109 and 111; A/HRC/33/61/Add.1, para. 85; A/HRC/36/60/Add.1, paras. 68 and 84; A/HRC/39/69/Add.1, paras. 47 and 49; A/HRC/39/69/Add.2, para. 72; A/HRC/42/59/Add.1, para. 75 (w); A/HRC/45/44/Add.1, para. 80 (f); A/HRC/47/CRP.1, para. 309; CERD/C/USA/CO/10-12, para. 58; CERD/C/LUX/CO/18-20, para. 26; CERD/C/NLD/CO/22-24, para. 28; CERD/C/GBR/CO/21-23, paras. 34–35; CERD/C/ESP/CO/21-23, para. 30; CERD/C/DNK/CO/22-24, para. 31; and Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), para. 66.

¹⁰¹ E/CN.4/2005/102/Add.1, principles 3, 14 and 15.

¹⁰² Ibid., principle 3.

¹⁰³ A/76/180, para. 79, and A/HRC/45/45, para. 38.

(e.g. museums, plays, concerts, exhibits), media initiatives and other public events and activities.¹⁰⁴

47. At the international level, the General Assembly proclaimed 31 August as the International Day for People of African Descent in December 2020.¹⁰⁵ At the national level, several countries observe national commemorations for people of African descent or for the abolition of slavery.¹⁰⁶ In 2022, in Canada, the government of the Province of Prince Edward Island formally recognized 1 August as Emancipation Day.¹⁰⁷ In 2021, the President of the United States signed legislation proclaiming Juneteenth a public holiday to commemorate 19 June 1865, when enslaved people in Galveston learned they were free.¹⁰⁸ In June 2020, the European parliament proclaimed 2 December as the European Day Commemorating the Abolition of the Slave Trade.¹⁰⁹

48. Memorial sites and museums are another important aspect of memorialization policies. The Routes of Enslaved Peoples: Resistance, Liberty and Heritage project has supported the establishment of memorial sites and routes at the national, regional and international levels.¹¹⁰ In Argentina, the National Commission for the Historical Recognition of the Afro-Argentine Community was mandated in 2020 to recover sites that have special meaning for people of African descent and the Ministry of Culture has promoted the engagement of museums and national institutions in disseminating greater knowledge about the history and memory of communities of African descent.¹¹¹ In Mauritius, the Intercontinental Slavery Museum was officially launched on 20 October 2020.¹¹² In Mexico, memory sites were inaugurated in Mexico City in 2016 and in Cuajinicuilapa and Yanga in 2017.¹¹³

49. In several countries, local authorities have also initiated reflections on decolonizing public spaces, including public monuments and street names.¹¹⁴ Memorialization measures can also take the form of artistic and cultural public events. In Canada, Mauritius, the United Kingdom and the United States, Black History Month marks a period of historical and cultural events recognizing the history of enslavement.¹¹⁵

50. Memory work also includes the revision of school and university curricula and public awareness-raising campaigns about the history and cultures of people of African descent.¹¹⁶ Panama reported that its Government Strategic Plan 2020–2024 included specific actions for greater recognition and respect for the culture, history and heritage of people of African descent.¹¹⁷ In Sweden, the Forum for Living History

¹⁰⁴ A/HRC/45/45, para. 105, A/HRC/47/CRP.1, para. 266, and UNESCO, *Legacies of Slavery*, pp. 12, 13 and 15.

¹⁰⁵ General Assembly resolution 75/170.

¹⁰⁶ See, for example, in Argentina, law No. 26.852 of 24 April 2013, in France, decree No. 83-1003 of 23 November 1983, in Guatemala, law No. 83-96 of 25 September 1996, in Peru, law No. 28761 of 19 June 2006 and in Venezuela (Bolivarian Republic of), law 42373 of 10 May 2022; see also submission of Mauritius.

¹⁰⁷ Submission of Canada.

¹⁰⁸ A/HRC/47/CRP.1, para. 266.

¹⁰⁹ European Parliament resolution 2020/2685 (RSP) of 19 June 2020 on the anti-racism protests following the death of George Floyd.

¹¹⁰ UNESCO, *Legacies of Slavery*.

¹¹¹ Submission of the National Human Rights Institution of Argentina.

¹¹² Submission of Mauritius.

¹¹³ Submission of Mexico.

¹¹⁴ A/HRC/47/CRP.1, paras. 267–268.

¹¹⁵ UNESCO, *Legacies of Slavery*, and submission of Mauritius.

¹¹⁶ Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), para. 66.

¹¹⁷ Submission of Panama.

presented in February 2023 new educational materials for secondary and adult education uncovering the history of Sweden's participation in enslavement and the transatlantic slave trade.¹¹⁸ The Bolivarian Republic of Venezuela reported that the 2025 Programmatic Agenda for the Afro-Descendant included measure that were aimed at decolonizing knowledge and education.¹¹⁹

Compensation

51. Under international human rights law, compensation for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, may also constitute a form of reparations.¹²⁰ In the context of historical wrongs and harms suffered as a result of colonialism and enslavement, the assessment of the economic damage can be extremely difficult owing to the length of time passed and the difficulty of identifying the perpetrators and victims.¹²¹

52. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and CARICOM have also suggested that debt cancellation for the former colonies may be a possible form of compensation for the legacies of enslavement and colonialism.¹²²

53. At the national level, attempts to seek compensation, including through domestic litigation procedures, have mostly failed to date.¹²³ Yet in some cases, local authorities have paid reparations to the victims of past atrocities and discriminatory policies. For instance, in the United States the Evanston city council passed a funded reparations programme in 2019 for the victims of the city's past discriminatory housing policies.¹²⁴ Another initiative is the Florida House Bill 591 of 1994 to compensate survivors of the 1923 Rosewood Massacre by way of damages and tuition scholarships.¹²⁵ While such local initiatives are significant and commendable, they fall far short of a comprehensive State response.

Restitution

54. Some forms of restitution have been claimed for historical wrongs and harms suffered as a result of enslavement, colonialism and their enduring consequences, including the restitution of cultural heritage, the restitution of land and natural resources and the facilitation of repatriation and resettlement of the descendants of enslaved Africans.¹²⁶

55. In Belgium, the Government adopted a road map for the restitution of cultural artefacts in 2021¹²⁷ and, during a visit to the Democratic Republic of the Congo in June 2022, the King of Belgium handed over one artefact as a symbolic gesture.¹²⁸ In

¹¹⁸ See www.mynewsdesk.com/se/forum_for_levande_historia/pressreleases/verige-slavhandeln-och-slaveriet-ett-nytt-material-foer-skolan-3235457.

¹¹⁹ Submission of the Bolivarian Republic of Venezuela.

¹²⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 20.

¹²¹ A/76/180, paras. 57 and 59, and A/HRC/47/53, para. 60.

¹²² A/76/180, para. 74, and CARICOM ten-point plan for reparatory justice.

¹²³ A/HRC/47/CRP.1, para. 278.

¹²⁴ Ibid., para. 275.

¹²⁵ Ibid., para. 276.

¹²⁶ A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I, para. 158, A/76/180, paras. 63, 67 and 107 (b), and CARICOM ten-point plan for reparatory justice.

¹²⁷ Ghizlane Kounda, "La Belgique présente sa politique de restitution des œuvres: une approche systémique qui permet d'éviter de restituer au cas par cas", RTBF.be, 7 July 2021.

¹²⁸ Nicolas Fontaine, "Le roi Philippe restitue un masque kakuungu au Musée national de Kinshasa", Histories Royales, 8 June 2022.

France, the National Assembly adopted a law on the restitution of cultural property to Benin and Senegal in 2020.¹²⁹

56. The restitution of land has been considered in some cases. In Honduras, the Inter-institutional Commission for the Compliance of International Judgments coordinates reparation actions for violations of the collective right to land property of the Garifuna communities of Triunfo de la Cruz and Punta Piedra.¹³⁰ The Bolivarian Republic of Venezuela reported that the Government was examining the restitution of lands to the Afro-Aragua people of Turiamo, among other reparatory measures.¹³¹

Rehabilitation

57. Medical and psychosocial rehabilitation has also been identified as a possible element of reparatory justice for people of African descent.¹³² Studies show that the intergenerational trauma caused by racism passed down over centuries may have negative health consequences.¹³³ UNESCO has highlighted the relevance of healing practices to address the wounds and traumas resulting from enslavement.¹³⁴

Guarantees of non-repetition

58. A comprehensive approach to reparatory justice should include measures that aim at preventing present and future violations, including through legislative, institutional and policy reforms.¹³⁵ From this perspective, any measures that aim at dismantling systemic racism and the racially discriminatory effects of structures of inequality and subordination resulting from enslavement and colonialism can contribute to advancing reparatory justice.

59. The International Decade for People of African Descent and its programme of activities, general comment No. 34 (2011) of the Committee on the Elimination of Racial Discrimination and the agenda towards transformative change for racial justice and equality, together provide concrete recommendations to address systemic racism and racial discrimination faced by people of African descent and ensure their full enjoyment of all human rights and fundamental freedoms.¹³⁶ Furthermore, the 2030 Agenda for Sustainable Development and the Working Group of Experts on People of African Descent's operational guidelines on the inclusion of people of African descent can assist in ensuring that people of African descent are not left behind in these processes.¹³⁷

60. The Secretary-General has also mentioned the right to development as a relevant framework for seeking redress for historic and contemporary injustices.¹³⁸ The need to develop programmes for the social and economic development of the societies and

¹²⁹ France, law No. 2020-1673 of 24 December 2020 relating to the return of cultural property to Benin and Senegal.

¹³⁰ Submission of Honduras.

¹³¹ Submission of the Bolivarian Republic of Venezuela.

¹³² Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 21, [A/76/180](#), paras. 70–71, and CARICOM ten-point plan for reparatory justice.

¹³³ A/HRC/47/CRP.1, para. 28.

¹³⁴ UNESCO, “Launch of the report on ‘Healing the wounds of transatlantic slave trade and slavery’”, 20 April 2023.

¹³⁵ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, para. 23.

¹³⁶ General Assembly resolution [69/16](#), annex, Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), General Assembly resolution [47/53](#) and A/HRC/47/CRP.1.

¹³⁷ [A/74/308](#), para. 14, and OHCHR, “Operational guidelines on the inclusion of people of African descent in the 2030 Agenda”, prepared by the Working Group of Experts on People of African Descent.

¹³⁸ [A/74/308](#), para. 4.

the diaspora that continue to suffer from the consequences of historical injustices is recognized in the Durban Declaration and Programme of Action. It further identifies a wide range of areas for partnership, some of which are included in the CARICOM ten-point plan for reparatory justice.¹³⁹

61. Some United Nations experts have raised concerns about development aid being used as a substitute for reparation programmes because the former does not usually acknowledge accountability, nor does it target victims specifically. Nevertheless, they noted that it could be part of a suite of reparatory measures for enslavement and colonialism if pursued in a manner that acknowledges the connection between contemporary structures of racial inequality and discrimination and their historical root causes.¹⁴⁰ Such programmes should be based on the spirit of solidarity, mutual respect, equality and cooperation.¹⁴¹

62. Among recent initiatives, Ecuador reported the adoption of the Integral Development of Afro-Ecuadorian and Montubio Peoples and Nationalities of Ecuador Plan 2022–2025.¹⁴² Honduras reported the launching of the first scholarship programme in public higher education for indigenous and Afro-Honduran peoples in 2022.¹⁴³ In Iraq, the Iraqi High Commission for Human Rights reported on educational and awareness-raising initiatives addressing racial discrimination in the Basra Governorate, which has the largest population of people of African descent.¹⁴⁴ In Mexico, the National Institute of Indigenous Peoples was established in May 2022 to guarantee the effective exercise of the rights of Indigenous and Afro-Mexican peoples.¹⁴⁵

63. When following a human rights-based approach, the collection of disaggregated data to reflect on the situation of people of African descent can also contribute to advancing reparatory justice. While it is not in itself a reparatory measure, it is a first step towards highlighting and addressing the linkages between legacies of the past and present manifestations of systemic racism and structural discrimination.¹⁴⁶

IV. Conclusions and recommendations

64. Reparatory justice requires a comprehensive and multipronged approach grounded in international human rights law, including, where appropriate, the right to adequate, effective and prompt reparation. States should consider a plurality of measures to address the past legacies of enslavement and colonialism and their lasting consequences with a view to seeking the truth, defining the harm, pursuing justice and reparations, and contributing to non-repetition and reconciliation. In that regard, States are encouraged to be guided by the recommendations made by United Nations human rights mechanisms and in the High Commissioner’s agenda towards transformative change for racial justice and equality.

65. Strong leadership and political will from States and the international community are needed to overcome the challenges to addressing the entrenched

¹³⁹ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I, para. 158, and CARICOM ten-point plan for reparatory justice.

¹⁴⁰ [A/74/321](#), para. 54, and [A/76/180](#), paras. 60 and 108.

¹⁴¹ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I, para. 158, and [A/74/308](#), para. 12.

¹⁴² Submission of Ecuador.

¹⁴³ Submission of Honduras.

¹⁴⁴ Submission of Iraq.

¹⁴⁵ Submission of Mexico.

¹⁴⁶ [A/77/333](#), para. 10, [A/HRC/42/59](#), para. 77, [A/HRC/51/55](#), para. 84, and [A/HRC/54/68](#) (forthcoming).

legacies of colonialism, enslavement and the transatlantic trade in enslaved Africans, and to effectively redress the situation of people of African descent, including through a comprehensive approach to repair the legacies of the past.

66. Achieving accountability and redress, including through reparatory justice, for people of African descent is necessary to restore the dignity of victims, achieve reconciliation and healing and reverse the consequences of generations of exclusion and discrimination. It is also crucial to build a stronger, more resilient future of dignity, equality and non-discrimination for all.

67. States should ensure effective and meaningful participation of people of African descent and their communities, in particular women and youth, to guide the design, implementation and evaluation of all reparatory justice processes, including through broad and inclusive consultations. These processes should be gender-sensitive and grounded in an intersectional and intergenerational analysis of the impacts of enslavement and colonialism and their lasting consequences.

68. Reparatory justice also contributes to broader efforts to eradicate systemic racism and racial discrimination. The full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination should be understood as an essential means of achieving reparatory justice for people of African descent.

69. States and other stakeholders are encouraged to comprehensively implement the Durban Declaration and Programme of Action, the programme of activities of the International Decade for People of African Descent and the agenda towards transformative change for racial justice and equality. They should ensure that people of African descent are not left behind in the implementation of the 2030 Agenda.

70. States are encouraged to actively engage in the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, with a view to ensuring that the declaration provides a global framework to address the systemic nature of racism and discrimination and contributes to confronting and redressing past violations and injustices and their present consequences; as well as to engage with the Permanent Forum on People of African Descent and the Working Group of Experts on People of African Descent in this process.

71. Relevant business enterprises, the media, universities and other relevant private actors should also consider their own links to enslavement, the transatlantic trade in enslaved Africans and colonialism in their ongoing and past operations and examine possibilities for reparation, where appropriate.