



Submission to CERD: General Recommendation
regarding reparations for the historical injustices from
the chattel enslavement of Africans, and the ensuing
harms and crimes to people of African Descent

By

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Background

This submission¹ focuses on the need for a comprehensive and transformative approach to reparations for the historical injustices from the chattel enslavement of Africans and the ensuing and ongoing harms to people of African descent. It also includes some brief overall comments on the questions raised by the Committee on the illegality of chattel slavery and its implications in terms of racial discrimination.

Illegality of chattel slavery

As Nora Wittmann has highlighted, it is essential that any examination of the illegality of the system of chattel slavery not “*rely on a perpetrator’s assessment to define the legal status of a crime or violation of the law*”.² Her own and others’ research, presented at the [American Society of International Law’s Symposium](#) in 2021, demonstrates that there was considerable resistance to chattel slavery as practised by European governments and that it was considered unlawful by other countries. It is also important to note discriminatory contradictions within laws in countries such as England, which prohibited chattel slavery but then created a racist exception through ‘slave laws’ in its colonies to treat Africans as property.³ Any survey of state practice therefore has to be global and avoid over-reliance on sources originating from countries that carried out chattel slavery.

To the extent that the Committee is going to address this question in the proposed General Recommendation, we suggest it also focus on states continuing to practice chattel slavery in the 18th and 19th centuries despite their own explicit recognition that it violated natural laws. [The Declaration of the Powers, on the Abolition of the Slave Trade, of 8th of February 1815](#) was signed by Austria, Great Britain, France, Prussia, Russia, Spain, and Sweden. It recognized that the ‘slave trade’ was “*repugnant to the principles of humanity and universal morality*”. The Treaties of Paris, entered into by France bilaterally with Great Britain, Austria, Prussia and Russia, in 1815, contained an article committing the parties to the entire and definitive abolition of the slave trade, “*a commerce so odious, and so strongly condemned by the laws of religion and of nature*”.⁴ The failure of governments to actually enforce their treaty commitments domestically and in their colonies must be assessed in light of their own proclamations that the slave trade was inhumane and violated universal morality and natural laws. This must also be viewed from a broader comparative perspective that only Europeans practised chattel slavery in a form where over 15 million people were brutally stolen from their countries, dehumanized on the pretext of their race, and entirely stripped of all rights. **When put together, it seems difficult to sustain claims that those governments did so believing that chattel slavery was legal according to the general principles of law recognised by civilized nations at that time.**

¹ This is a joint submission from [African Futures Lab](#), an NGO focused on global racial injustices, and [Meghna Abraham](#), an international human rights lawyer and expert on economic, social and cultural rights who has worked extensively on the right to a remedy and reparation.

² N. Wittmann (2021), ‘Global Assessment of the Legality of Transatlantic Chattel Slavery’, *Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean: Proceedings of the Symposium, May 20 – 21, 2021*, The American Society of International Law, p. 33. See also N. Wittmann (2019), ‘An International Law Deconstruction of the Hegemonic Denial of the Right to Reparations’, *Social and Economic Studies*, 68 (3&4), pp. 19 – 41.

³ H. Beckles (2013), *Britain’s Black Debt: Reparations for Caribbean Slavery and Genocide*, University of the West Indies Press, chapter 4.

⁴ See Second Treaty of Paris, 20 November 1815, between Great Britain and France, available at: <https://www.napoleon-empire.org/en/official-texts/treaty-of-paris-1815.php>.

Systemic racism generated by a lack of reparations

European governments and settler colonies developed and promoted notions of racial superiority to justify chattel slavery, colonisation, and the extermination of Indigenous Peoples in many countries.⁵

Even when governments chose to abolish chattel slavery acknowledging its wrongfulness, they did not provide any reparations to the people who were enslaved. It is notable that [France](#), [Great Britain](#) and the [US](#) only paid compensation to slave owners and not to people who were enslaved. Great Britain and the US also forced enslaved people to work for former slave owners, for example as [apprentices](#) in Great Britain and Sierra Leone (where children were long kept as apprentices) or using systems such as [sharecropping](#) in the US. These actions were [justified](#) by many of the same racist concepts that had previously justified slavery; the need to civilize Africans, doubts about their capacity, and the right to make decisions about them as 'property'.

No reparations were provided to countries whose people were enslaved and forcibly deported or killed to enable the slave trade or clear land for plantations based on slave labour. In one of the worst examples, [Haiti](#) was made to pay 112 million francs (estimated to be the equivalent of US\$560 million at current values) to France as compensation for lost revenues from slavery as a condition for France to recognise its independence. Haiti had to borrow money, to make payments to France for over a century, locking it into a cycle of debt that fundamentally undermined the country's economic development. It has been argued that the impunity of the slavery period also helped fuel the direct colonization of Africa as a more profitable and controllable means to dominate and exploit African people and resources.⁶

The historic failure of governments that practised chattel slavery to repudiate racist ideologies combined with the lack of reparations to formerly enslaved people lie at the very heart of systemic racism and inequality in those countries. They have resulted in accumulated disadvantages as well as discriminatory laws and policies, based on race. A stark example of this is [Belgium's abduction of mixed race \(Métis\) children](#) from their mothers in its colonies in the Great Lakes region. This practice, which continued till Burundi, Congo, and Rwanda gained independence was based on a desire to preserve the 'natural' supremacy of the European race. Despite long campaigning by the mothers and the children themselves, Belgium is yet to provide effective reparations.

At the level of states, it has contributed greatly to [inequalities](#) between former colonial powers and colonies, [increased countries' vulnerability to the climate crisis](#), and reduced the ability of governments of former colonies to realize human rights within their countries.

The preamble of the International Convention on the Elimination of All Forms of Racial Discrimination refers to the need to bring to a speedy and unconditional end to colonialism and all practices of segregation and discrimination associated to it. Article 2 requires parties to eliminate racial discrimination in all its forms. **At the very minimum, states parties are therefore required to provide reparations for their failure to eliminate the systemic racism and inequality arising from their inadequate remediation of chattel slavery and its legacies.**

⁵ C. W. Mills (2022), *The Racial Contract*, Cornell University Press, chapter 2.

⁶ H. W. French (2021), *Born in Blackness: Africa, Africans, and the Making of the Modern World, 1471 to the Second World War*, Liveright, chapter 12.

Urgent need for a comprehensive and transformative approach to reparations

Colonialism

We request the Committee to maintain a focus on the link between colonialism and chattel slavery in the General Recommendation and to provide guidance on the obligation to provide effective reparations for the continuing cumulative harms of both practices. This is not in any way intended to diminish the focus on the harms arising from chattel slavery and the transatlantic slave trade as systems. However, as the background to the [call for inputs](#) notes, the system of chattel slavery and the resulting massive gross abuses of human rights that followed were enabled and facilitated by colonialism and the two are intrinsically related. Professor Beckles has analysed how the system of chattel slavery was developed to grow wealth in Europe through exploiting an alternative and massive pool of labour in a manner which could be guaranteed to be profitable. This went hand in hand with clearing Indigenous Peoples from their lands to build plantations and/or for colonial settlements and was enforced with the full power of European states.⁷

Charles Mills has described it as a ‘racial contract’ which is “*calculatedly aimed at economic exploitation*”.⁸ He notes that exploitation linked to colonialism and slavery led to Europe’s economic hegemony and “*closed off this development path for others because it forcibly inserted them into a colonial network whose exploitative relations and extractive mechanisms prevented autonomous growth*”.⁹ An example is the CFA Franc (originally the Franc of the French Colonies in Africa) which is used by 14 countries in West and Central Africa. [Dr Ndongo Samba Sylla](#) has described how financial compensation to French slave owners was used to set up colonial banks under the authority of the Bank of France and monetary arrangements which are still pegged to the French currency to this day. They therefore favour French and other Euro imports to the detriment of exports as well as free investment and repatriation of French capital. “*The purpose of this ‘monetary arrangement’ from its origin to the present day is to maintain satellite economies that are ‘complementary’ to the French economy. That is, economies that serve as cheap sources of raw material supplies and captive outlets.*”

It is the toxic combination of racist laws and structures and inequitable economic models, rooted in [extracting wealth](#) from the exploitation of natural resources and [labour](#) of people of particular races, which underlie the continuing harms of chattel slavery and colonialism. The UN Special Rapporteur on Racism and the Working Group of Experts on People of African descent have highlighted the persisting legacies of this toxic combination in the forms of underdevelopment, marginalization and economic exclusion, and vulnerability to the climate crisis.¹⁰

It may feel overwhelming to define the scope and content of the right to reparations for the historical injustices of chattel slavery and its ensuing harms. There is no comparable parallel that the Committee can draw on given the number of people harmed, the nature of the harms, and the scale of impacts in terms of systemic racism and structural inequalities. Repairing and stopping these harms requires innovation and a deeper level of focus on a wide array of institutions and policies that are creating inequalities within and between countries.

⁷ H. Beckles, *Britain’s Black Debt*, n. 3, chapters 2 and 7.

⁸ C. W. Mills, *The Racial Contract*, n. 5, p. 32.

⁹ *Ibid.*, p. 35.

¹⁰ See Annex 1.

As the former UN Special Rapporteur on Racism has stressed, in “*addition to implicating individual wrongful acts, reparations for slavery and colonialism implicate entire legal, economic, social and political structures that enabled slavery and colonialism, and which continue to sustain racial discrimination and inequality today.*”¹¹ **We urge the Committee to adopt a comprehensive and transformative approach to address both systemic racism and structural economic inequalities arising from chattel slavery and colonialism in the General Recommendation.**

Transformative reparations

There are important lessons from [transitional justice](#) and also from activists who have worked on the [gender dimensions](#) of reparations. They stress the need for reparations to be transformative and address the underlying structures and systems that gave rise to the violations.

The jurisprudence of the Inter-American Court of Human Rights also contains key innovations that the Committee can draw on. In its [Cotton Field](#) judgment, the Court laid down the principle that in the context of structural discrimination, “*reparations must be designed to change this situation, so that their effect is not only of restitution, but also of rectification. In this regard, re-establishment of the same structural context of violence and discrimination is not acceptable*” (para 450). The Court has interpreted the requirement of guarantees of non-repetition to require a wide range of reforms of policies and practices to address structural failures that enabled the violation.¹² The Court has also ordered collective reparations. It has considered damage at both the individual and community levels in cases involving Indigenous Peoples and acknowledged the need for a participatory approach in the design of collective reparations. It has also recognised a wide range of harms.¹³ **We urge the Committee to adopt a similar approach and to spell out the obligation of states to change underlying structures, policies and/or patterns of allocation of resources to ensure cessation and guarantees of non-repetition.**

Structural inequalities

Formerly enslaved people were left in the most precarious of economic and social positions at the point of abolition of slavery. Instead of repairing the harms they had inflicted, governments of countries such as the US used Jim Crow and other laws to keep Black people in the most poorly paid and undervalued occupations. These patterns of discrimination and perpetuation of economic exploitation were maintained well into the 20th century by excluding people of colour or the occupations they were concentrated in, from labour laws and New Deal programs and policies.¹⁴ This systemic racism also manifested in the health system because Black workers did not have access to [health insurance](#), and in [education](#) and [housing](#) through racial segregation or practices such as redlining. It has resulted in Black people and other people of colour disproportionately bearing the impacts of [climate change](#), [natural disasters](#), [pollution](#), and the [COVID-19 pandemic](#). The Committee has highlighted these persistent racial inequalities in the enjoyment of economic, social and cultural rights (ESCR) and their links to lingering legacies of colonialism and slavery in its [concluding observations](#) to the US government in 2022. Similar patterns of structural inequalities in access to ESCR can be found

¹¹ [A/74/321](#), para. 8.

¹² P. S. Alessandri (2024), ‘A Broader Look at the Transformative Impact of the Inter-American Court of Human Rights’ Decisions’, in A. von Bogdandy, et. al. (eds.), *The Impact of the Inter-American Human Rights System: Transformations on the Ground*, Oxford University Press.

¹³ D. O. Contreras-Garduno (2018), *Collective Reparations: Tensions and Dilemmas between Collective Reparations with the Individual Right to Receive Reparations*, Intersentia, chapter 3.

¹⁴ D. Solomon, et. al. (2019), [Systematic Inequality and Economic Opportunity](#), Center for American Progress.

in other countries which practiced chattel slavery¹⁵ and chose not to remediate its harms, instead perpetuating patterns of racial discrimination.

The [Basic Principles and Guidelines on the Right to a Remedy and Reparation](#) remain a useful resource that the Committee can draw upon. **However, we would also encourage the Committee to adapt and expand the scope of the Basic Principles to be able to fully address the range of factors creating structural inequalities. This requires a shift to incorporating broader measures within each of the forms of reparations to explicitly address underlying structural factors and collective dimensions in addition to individual remedies. To ensure cessation and guarantees of non-repetition in contexts where there is systemic racism and persistent racial inequalities in the enjoyment of ESCR, we would urge a deeper focus on structures and mechanisms (public and private) which affect access to resources.**

An intersectional approach is essential to address overlaps with multiple forms of discrimination, including gender, disability, religion, national origin, and economic status. While the focus of the General Recommendation is on the right to reparations for people of African descent, we would suggest that it also focus on Africans given the ongoing harms they experience because of the legacies of chattel slavery and colonialism. It would also be useful for the General Recommendation to highlight that the same structures of systemic discrimination may impact other people of colour as well.

The legacies of chattel slavery and colonialism have also resulted in [broader structural economic inequalities](#) affecting other post-colonial states where enslaved people were stolen from or settled. These extend beyond the economic impacts of violence and political carnage in countries to enable the transatlantic slave trade, the theft of young people, and the killing of Indigenous Peoples to enable plantations and settler colonies. Though these are complex issues, they require a focus on economic models, including of [natural resource use](#), that were created by colonial powers but have enduring harmful legacies. To name a few, these legacies include food insecurity in former colonies because of [the forced shift to monocultures and export crops](#), increased vulnerability to the climate crisis because of [unequal levels of emissions](#), and the [loss of biodiversity and indigenous systems of agriculture and land management](#).

Wealth inequalities within and between countries are also perpetuated by a [global financial architecture](#) which reflects and maintains a division of power from a time when most former colonies had not gained independence. The [continuing net drain of resources](#) from former colonies hampers the ability of these countries to realize human rights (though they retain responsibility for other factors within their control). **To address continuing harms and prevent future harms, the Committee must address these issues within a framework of reparations. Reparation must involve redistribution of wealth and resources within and between countries to tackle persistent inequalities which have resulted because of the continuing harms of chattel slavery and colonialism. At a minimum, this requires that states modify rules and practices which enable these inequalities and use their influence in international decision-making processes to rectify and prevent harms. They must also explore options with affected states for compensation and restitution including to ensure redistribution of resources, using all appropriate modalities.**

Truth-seeking initiatives and Commissions may be a useful tool for countries to consider to assess and publicise the full range of harms arising from chattel slavery and colonialism and also ensure the participation of affected communities in designing reparations proposals. A similar mechanism could also be useful at a global level to

¹⁵ See e.g. Committee's concluding observations on the United Kingdom and Germany, Annex 1.

consider proposals for reforms for reparations between countries as well as necessary reforms to international financial architecture.

Annex 1

Conclusions and recommendations by UN human rights monitoring bodies and other expert bodies

| Theme | Citation | Author | Location | Source +Link |
|---------------------------------------|--|-----------------------------------|--------------|--|
| Unjust enrichment & colonial legacy | The dominance in the extractivism economy of countries in the global North and hegemonic countries from the global South benefits such countries and their transnational corporations at the continuing expense of most countries of extraction in the global South. This is a racial equality concern because those who bear the greatest cost of the extractivism economy are those peoples who were formerly colonized on the grounds of false claims of their racial inferiority. In other words, it is those people who, under the colonial extractivism economy, were socially constructed as non-white or non-European that today remain subordinate, excluded and marginal within the global extractivism economy. | UN SR on Racism Tendayi Achime | paragraph 42 | A/HRC/41/54: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Global extractivism and racial equality |
| colonial legacy & climate reparations | It is the global South and colonially designated non-white regions of the world that are most affected and least able to mitigate and survive global ecological crisis, in significant part owing to the colonial processes that caused historical emissions in the first place. | UN SR on Racism Tendayi Achime | paragraph 4 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| colonial legacy & climate reparations | The contemporary global extractivism economy remains racially stratified because of its colonial origins and the ongoing failure of Member States – especially those who benefited the most from colonial domination – to decolonize the international system and provide reparations for racial discrimination rooted in slavery and colonialism | UN SR on Racism Tendayi Achime | paragraph 14 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| colonial legacy & climate reparations | The territories subject to the most rapacious forms of extraction are those belonging to groups and nations that were colonially designated as racially inferior. | UN SR on Racism | paragraph 15 | A/77/549: Report of the Special Rapporteur on contemporary forms of |

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| | The nations least capable of mitigating and responding to ecological crisis have been rendered so both by histories of colonial domination, and in the postcolonial era by externally neoliberal and other economic policies. ²⁷ In the global North, racially and ethnically marginalized groups are similarly on the front lines. | Tendayi Achime | | racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| climate reparations | Questions of reparation and remediation for loss and damage caused by climate change and environmental degradation have purposefully been excluded from relevant frameworks by the powerful countries most responsible for the harm. | UN SR on Racism Tendayi Achime | paragraph 72 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| climate reparations | The trajectory of the loss and damage framework after the Paris Agreement has thus continued its transition away from confronting historical responsibility and reparation | UN SR on Racism Tendayi Achime | paragraph 72 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| colonial legacy | The formal international repudiation of colonialism has by no means eradicated colonial domination and its racist legacies, including as they relate to the contemporary global ecological crisis. | UN SR on Racism Tendayi Achime | paragraph 13 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice |
| climate reparations | The massive power and resource imbalances among States participating in climate change negotiations have led to compromises that benefit politically powerful States – including former colonial powers – at the expense of global South States, especially small island developing States. | UN SR on Racism Tendayi Achime | paragraph 73 | A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi |

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| | <p>[...] At the same time, global South States have no effective, reliable means of holding global North States accountable for failing to meet their climate obligations or to provide reparations for historical and ongoing climate injustice.</p> | | | <p>Achume - Ecological crisis, climate justice and racial justice</p> |
| Climate reparations | <p>Reparations require addressing historic climate injustice, as well as eradicating contemporary systemic racism that is a legacy of historic injustice in the context of the global ecological crisis.</p> | <p>UN SR on Racism Tendayi Achime</p> | <p>paragraph 78</p> | <p>A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice</p> |
| transformative reparations; climate | <p>To the extent that contemporary international legal principles present barriers to historical responsibility for climate change, United Nations Member States must decolonize or transform this law in a manner that makes it capable of guaranteeing genuine equality and self-determination for all peoples. Reparations, which entail equitable international economic, political and legal frameworks, are a precondition for reorienting the global order away from ecological crisis. Proposals for pathways to reparations are growing, and progress requires global, national and local collaboration and partnership with racially, ethnically and nationally marginalized groups.</p> | <p>UN SR on Racism Tendayi Achime</p> | <p>paragraph 78</p> | <p>A/77/549: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Ecological crisis, climate justice and racial justice</p> |
| colonial legacy | <p>Colonial-era sovereign inequality persists, and models of extraction that rely upon or produce racial, ethnic and indigenous exploitation remain a reality.</p> | <p>UN SR on Racism Tendayi Achime</p> | <p>paragraph 35</p> | <p>A/HRC/41/54: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Global extractivism and racial equality</p> |

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| unjust enrichment | During the colonial period, corporations – State-owned and otherwise – played a crucial role in establishing and maintaining colonial extractivism, and generally (though not invariably) derived great profit from it | UN SR on Racism Tendayi Achime | paragraph 27 | A/HRC/41/54: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Global extractivism and racial equality |
| structural reform | Powerful States – including those that have yet fully to reckon with their colonial extractivism legacies – must commit to undoing the structures of subordination and inequality that persist. In addition, human rights actors within the global system and elsewhere must ensure that all of their work meaningfully confronts global structural racial inequality in the extractivism economy | UN SR on Racism Tendayi Achime | paragraph 65 | A/HRC/41/54: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime - Global extractivism and racial equality |
| structural reform | The Committee recommends that the State party take adequate measures to combat structural discrimination and the persistence of structures of racial inequality and acknowledge the root causes of racial discrimination, including colonialism and slavery. | CERD | paragraph 20 | CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany |
| reparations | While noting that colonial experiences may differ from one and other, the Committee is concerned about the lack of: (a) A more comprehensive approach towards reparation for colonial wrongdoings in terms of restitution, compensation and satisfaction, as appropriate; (b) Meaningful participation of the representatives of the victims of the Ovaherero and Nama people’s genocide in the development and adoption of the joint declaration; (c) A comprehensive policy for the restitution of colonial objects and cultural artifacts, in particular the restitution of the human remains of ancestors (art. 6). | CERD | paragraph 47 | CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany |
| victim-centred | The Committee recommends that the State party: (a) Adopt a more comprehensive approach regarding reparation for colonial wrongdoings, in terms of restitution, compensation and satisfaction, as appropriate; (b) Ensure meaningful participation of affected | CERD | paragraph 48 | CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany |

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| | <p>communities and individuals, as well as descendants of victims, when deciding on reparation processes;</p> <p>(c) Adopt a comprehensive policy for the restitution and repatriation of colonial objects and cultural artifacts, in particular the restitution and repatriation of human remains of ancestors;</p> <p>(d) Take into consideration the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, which addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism.</p> | | | |
| colonial legacy & education | <p>The Committee furthermore notes with regret that the history of the State party regarding colonialism and slavery is not included in school curricula (art. 7). The Committee recommends that the State party: [...]</p> <p>(c) Include in school curricula the history of the State party with regard to colonialism and slavery and their lasting consequences;</p> <p>(d) Ensure that all teachers are trained on these curricula.</p> | CERD | paragraph 50 | CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany |
| colonial legacy | <p>The Committee recommends that the State party:</p> <p>(a) Redouble its efforts to acknowledge past wrongs and raise awareness of the legacies and impacts of colonialism and trafficking in enslaved people and their connection with present-day manifestations of systemic racism, in close consultation with relevant stakeholders, in particular people of African descent;</p> <p>(b) Adequately reflect, in school curricula in all its jurisdictions, the history of colonialism, trafficking in enslaved Africans and chattel enslavement in the British Empire;</p> <p>(c) Consider making a formal apology for its role in chattel enslavement and the historic trafficking in enslaved Africans, adopt specific measures to address their lasting consequences and commit to reparations;</p> <p>(d) Take into consideration the report of the Special Rapporteur on contemporary forms of racism, racial</p> | CERD | paragraph 58 | CERD/C/GBR/CO/24-26: Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland |

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| | discrimination, xenophobia and related intolerance, which addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in chattel slavery and colonialism. | | | |
| colonial legacy | One of the persisting legacies of slavery and colonialism remains the unequal application of the law to descendants of historically enslaved and colonized peoples. | UN SR on Racism Tendayi Achime | paragraph 7 | A/74/321 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| transformative reparations | In addition to implicating individual wrongful acts, reparations for slavery and colonialism implicate entire legal, economic, social and political structures that enabled slavery and colonialism, and which continue to sustain racial discrimination and inequality today. That means that the urgent project of providing reparations for slavery and colonialism requires States not only to fulfil remedial obligations resulting from specific historical wrongful acts, but also to transform contemporary structures of racial injustice, inequality, discrimination and subordination that are the product of the centuries of racial machinery built through slavery and colonialism. | UN SR on Racism Tendayi Achime | paragraph 8 | A/74/321 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| transformative reparations | A structural approach to providing reparations for slavery and colonialism under public international law and international human rights law, according to which States must pursue a just and equitable international order as an urgent dimension of reparations for slavery and colonialism. Full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination must also be understood as a central pillar to achieving reparations for slavery and colonialism. | UN SR on Racism Tendayi Achime | paragraph 9 | A/74/321 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| transformative reparations | The pursuit and achievement of reparations for slavery and colonialism require a genuine “decolonization” of the doctrines of international law that remain barriers to | UN SR on Racism | paragraph 10 | A/74/321 Report of the Special Rapporteur on contemporary forms of |

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| | <p>reparations. In the face of the grave historic injustices of slavery and colonialism, as well as their continuing legacies, the use of legal doctrine by Member States to impede redress is distressing.</p> | Tendayi Achime | | racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| reparations | <p>Racial discrimination has historically pervaded the consideration and implementation of reparative justice; the discriminatory pursuit of reparations is itself a product of the cemented and continuing legacy of colonialism and slavery.</p> | UN SR on Racism Tendayi Achime | paragraph 11 | A/74/321 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| transformative reparations | <p>Although development aid can be part of a comprehensive approach to reparations, it cannot be a substitute for a full accounting of the historic and ongoing racially discriminatory human rights violations resulting from the genocide.</p> | UN SR on Racism Tendayi Achime | paragraph 13 | A/74/321 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achime, prepared pursuant to General Assembly resolution 73/262 |
| victim-centred | <p>Victim participation can help increase the fit between the benefits on offer and the expectations of victims. Given that large-scale programmes fall short of full compensation, the adequacy of the benefits they offer depends on complicated judgments concerning the appropriateness of the whole complex of benefits, the process of distribution and the relationship between the reparation benefits and other redress measures, including criminal justice, truth and guarantees of non-recurrence, judgments that are also for the victims to make.</p> | UN SR on Truth Pablo de Greiff | paragraph 57 | A/HRC/34/62: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, pursuant to Council resolution 27/3. |
| reparations | <p>Given that large-scale administrative reparation programmes, even when providing benefits to individuals, have never come close to achieving full compensation for the harms suffered, it is necessary to</p> | UN SR on Truth Pablo de Greiff | paragraph 55 | A/HRC/34/62: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of |

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| | have criteria to distinguish between those programmes developed for awarding serious and sincere reparations from those developed primarily to present the appearance of being reparative. | | | non-recurrence, Pablo de Greiff, pursuant to Council resolution 27/3. |
| victim-centred | Member States must place victims and survivors (including descendants where appropriate) of the historic and contemporary racial injustice associated with colonialism and slavery at the centre of processes designed to achieve reparations. Reparations cannot be achieved unless those groups have a meaningful seat at the decision-making table. | UN SR on Racism Tendayi Achiume | paragraph 59 | A/74/321: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262 |
| colonial legacy | Effectively acknowledge in their policies and actions the negative effects of the wrongs occasioned on people of African descent in the past, chief among which are colonialism and the transatlantic slave trade, the effects of which continue to disadvantage people of African descent today. | CERD | paragraph 17 | CERD/C/GC/34: General recommendation No. 34 adopted by the Committee - Racial discrimination against people of African descent |
| reparations & colonial legacy | Noting the increasing willingness and emerging practice to acknowledge the need to repair the continuing impacts of, inter alia, colonialism, including through reparatory justice and, where appropriate, the pursuit of reparations, | UNGA Fourth Committee | preamble (final paragraph) | A/RES/79/115: Resolution adopted by the General Assembly on 4 December 2024 - Implementation of the Declaration on the Granting of Independence to Colonial Countries and People |
| colonial legacy | E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination and related intolerance, said that some of the most entrenched forms of systemic racism were the result of continuing legacies of slavery and colonialism. There could be no real way out of the most pressing global crises without meaningfully addressing the legacies of colonialism. There could be no climate justice without racial justice and without accounting for entrenched colonial legacies. | UN SR on Racism Tendayi Achiume | indirect quote | HRC Press Release, 28 September 2022 |

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| women | Women are of course addressed in all the human rights and humanitarian law treaties that contemplate a right to a remedy. | UN SR on Violence against Women Rashida Manjoo | paragraph 22 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |
| women | Women often bear the brunt of the consequences of violence that targets them, their partners and dependants. Given the disparate and differentiated impact that violence has on women and on different groups of women, there is a need for specific measures of redress in order to meet their specific needs and priorities. Since violence perpetrated against individual women generally feeds into patterns of pre-existing and often cross-cutting structural subordination and systemic marginalization, measures of redress need to link individual reparation and structural transformation. Additionally, women who experience violence have traditionally encountered obstacles to accessing the institutions that award reparations. | UN SR on Violence against Women Rashida Manjoo | paragraph 24 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |
| women | The notion of gender-sensitive reparations has finally moved beyond the transitional justice discussions at State level and for the first time made an inroad into the international human rights jurisprudence. The Inter-American Court of Human Rights has recently affirmed the need to craft gender-sensitive reparations in its groundbreaking decision against Mexico. | UN SR on Violence against Women Rashida Manjoo | Paragraph 27 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |
| women | Without the participation of women and girls from different contexts, initiatives are more likely to reflect men's experience of violence and their concerns, priorities and needs regarding redress. Additionally, without such participation, an opportunity is missed for victims to gain a sense of agency that may in itself be an important form of rehabilitation, especially when victims come to perceive themselves as actors of social change. Finally, such participation is important for women and society in general to draw the links between past and present forms of violence and seize the | UN SR on Violence against Women Rashida Manjoo | Paragraph 29 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |

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| | opportunity provided by reparations discussions to press for more structural reforms. | | | |
| women | Reparation measures should not concentrate on the fairly limited and traditionally conceived catalogue of violations of civil and political rights, but instead should include the worst forms of crimes or violations targeting women and girls. It must additionally be acknowledged that the same violations may entail different harms for men and women, but also for women and girls and women from specific groups, and that violations may be perpetrated with the complicity of non-State actors. | UN SR on Violence against Women Rashida Manjoo | Paragraph 83 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |
| women | Reparations for women cannot be just about returning them to the situation in which they were found before the individual instance of violence, but instead should strive to have a transformative potential. This implies that reparations should aspire, to the extent possible, to subvert instead of reinforce pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities that may be at the root cause of the violence that women experience before, during and after the conflict. Complex schemes of reparations, such as those that provide a variety of types of benefits, can better address the needs of female beneficiaries in terms of transformative potential, both on a practical material level and in terms of their self-confidence and esteem. Measures of symbolic recognition can also be crucial. They can simultaneously address both the recognition of victims and the dismantling of patriarchal understandings that give meaning to the violations. | UN SR on Violence against Women Rashida Manjoo | Paragraph 85 | A/HRC/14/22: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo |
| Sovereign debt | In 2022, global public debt reached a record \$92 trillion US dollars. Developing countries shoulder a disproportionate amount. A growing share is held by private creditors who charge sky-high interest rates to many developing countries. On average, African countries pay four times more for borrowing than the United States and eight times more than the wealthiest European countries. | UN SG Guterres | speech | Secretary-General's remarks to the Press on the launch of the Report - "A World of Debt", 11 July 2023 |

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| | <p>The International Monetary Fund says 36 countries are on so-called “debt row” – either in, or at high risk of, debt distress. Another sixteen are paying unsustainable interest rates to private creditors.</p> <p>A total of 52 countries – almost 40 percent of the developing world – are in serious debt trouble. It is one result of the inequality built into our outdated global financial system, which reflects the colonial power dynamics of the era when it was created.</p> | | | |
| Colonialism and climate change | <p>Vulnerability of ecosystems and people to climate change differs substantially among and within regions (<i>very high confidence</i>), driven by patterns of intersecting socioeconomic development, unsustainable ocean and land use, inequity, marginalization, historical and ongoing patterns of inequity such as colonialism, and governance</p> | IPCC | B.2 | IPCC Sixth Assessment Report (AR6) – Summary for Policymakers, 2023 |
| Colonialism and climate change | <p>Present development challenges causing high vulnerability are influenced by historical and ongoing patterns of inequity such as colonialism, especially for many Indigenous Peoples and local communities (<i>high confidence</i>)</p> | IPCC | B.2.4 | IPCC Sixth Assessment Report (AR6) – Summary for Policymakers, 2023 |
| Colonial legacy & climate change (Africa) | <p>Factors contributing to the progression of vulnerability to climate change in African contexts considering socioeconomic processes, resource access, livelihood changes, and intersectional vulnerability among social groups.</p> <p>Colonial Legacies and Postcolonial Development Pathways</p> <ul style="list-style-type: none"> • Dependency on commodity exports and volatility of extractive economies • Unintended consequences of investments in large-scale energy, water, and infrastructure projects • Rising external debt and debt service costs • Rapid urbanization | IPCC | Figure Box 9.1.1 | <p>IPCC WGII AR6, Chapter 9: Africa</p> <p>(Full citation: Trisos, C.H. et al. (2022). Africa. In: Climate Change 2022: Impacts, Adaptation and Vulnerability. IPCC WGII AR6. Cambridge University Press, pp. 1285–1455.)</p> |

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| colonial legacy & indigenous peoples | Drawing the attention of the State party to the United Nations Declaration on the Rights of Indigenous Peoples, and to the recognition by the Human Rights Council that the legacies of colonialism have a negative impact on the effective enjoyment of all human rights and that indigenous peoples were victims of colonialism and continue to be victims of its consequences. | CERD | paragraph 50 | CERD/C/USA/CO/10-12: Concluding observations on the combined tenth to twelfth reports of the United States of America |
| colonial legacy & education | Take further measures to ensure that the history of colonialism and slavery and their legacies are part of the school curriculum at all levels, including adopting federal national standards or guidelines in this regard; | CERD | paragraph 58 (b) | CERD/C/USA/CO/10-12: Concluding observations on the combined tenth to twelfth reports of the United States of America |
| colonial legacy | The Committee is concerned that the lingering legacies of colonialism and slavery continue to fuel racism and racial discrimination in the State party, undermining the full enjoyment of all human rights and fundamental freedoms by all individuals and communities in the State party (art. 5 and 6). | CERD | paragraph 55 | CERD/C/USA/CO/10-12: Concluding observations on the combined tenth to twelfth reports of the United States of America |
| reparations | The Committee recommends that the State party take the appropriate measures towards the establishment of such a commission to study and develop reparation proposals for people of African descent, including issuing an executive order, in close consultation with relevant stakeholders, in particular people of African descent. | CERD | paragraph 56 | CERD/C/USA/CO/10-12: Concluding observations on the combined tenth to twelfth reports of the United States of America |
| Colonial legacy | 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. | UNSG Guterres | paragraph 4 | A/78/317: Implementation of the International Decade for People of African Descent – Report of the Secretary-General |
| reparations & colonial legacy | 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 | UNSG Guterres | paragraph 64 | A/78/317: Implementation of the International Decade for People of African Descent – Report of the Secretary-General |

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| | to seeking the truth, defining the harm, pursuing justice and reparations, and contributing to non-repetition and reconciliation. | | | |
| reparations & colonial legacy | 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. | UNSG Guterres | paragraph 66 | A/78/317: Implementation of the International Decade for People of African Descent – Report of the Secretary-General |
| Participation; gender-sensitive reparations; youth | 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. | UNSG Guterres | paragraph 67 | A/78/317: Implementation of the International Decade for People of African Descent – Report of the Secretary-General |
| economic model | Racial discrimination continues to be systemic and rooted in an economic model that denies meaningful and effective development to people of African descent globally, and frequently justifies or neutralizes the historical and ongoing exploitation of their labour, land and natural resources | Working Group of Experts on People of African Descent | paragraph 53 | A/HRC/42/59 : Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions |
| Underdevelopment | Historical injustices have undeniably contributed to underdevelopment and economic disparities. Harrowing intergenerational poverty runs the risk of continuing unabated. Member States, United Nations agencies and international financial institutions should take into account the linkage between enslavement and colonialism that led to underdevelopment, including in development policies. | Working Group of Experts on People of African Descent | paragraph 61 | A/HRC/42/59 : Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions |

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| Unjust enrichment | The Working Group further recognizes that economic success, even when exploitative and enslaving, was historically recognized as a qualifier, rather than a disqualifier; that countries, prominent historical figures, institutions, the church and universities gained wealth and status from the enslavement of people of African descent; and that the risk of that exploitative dynamic remains today. | Working Group of Experts on People of African Descent | paragraph 78 | A/HRC/42/59 : Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions |
| socioeconomic impact | Examining the adverse socioeconomic impact on various former colonies, a comparison of the human development index of former colonial States in the West with former colonized States in the Caribbean showed that former colonial States ranked at the top, while former colonies ranked at the bottom. That gap could be attributed to colonial exploitation. During the colonial period the Caribbean region had been a resource powerhouse, yet the wealth generated through African enslaved labour had not been invested in Caribbean countries but used to fuel European industrialization. | Working Group of Experts on People of African Descent | paragraph 28 | A/HRC/42/59 : Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions |
| economic disparities & racism | The Working Group concludes that growing income, wealth and other forms of inequality are threats to social stability. Without change, growing inequalities and segregation disrupt our societies, and people of African descent are the first victims. The eradication of structural racism is key for attaining the Sustainable Development Goals. This is further underlined in the Durban Declaration and Programme of Action, which emphasize that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty. | Working Group of Experts on People of African Descent | paragraph 56 | A/HRC/36/60 : Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions |

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| current economic crises & colonialism | He stated that most people of African descent continued to live in conditions of extreme poverty exacerbated by the current economic and financial crises, which were cascading effects of the slave trade, the transatlantic slave trade, enslavement and colonialism. He said that, despite all existing mechanisms, racism continued to rise; more aggressive manifestations of racism currently needed stronger measures and, in that connection, he gave a few examples of the prevalence of racism in sports, in the statements of politicians, in the treatment of migrants and in the media, among other areas. | Working Group of Experts on People of African Descent | paragraph 25 | A/HRC/30/56: Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions |
| economic dependence | The Working Group urges States to develop public policies that do not keep people of African descent and African countries in a state of economic dependence but rather ensure that they benefit from development on an equal footing with the rest of the population and the developed countries, while at the same time respecting their sociocultural differences. | Working Group of Experts on People of African Descent | paragraph 74 | A/HRC/30/56: Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions |
| historical to contemporary economic injustices | The inclusion of reparations should be in line with the Durban Declaration and Programme of Action, which recognizes the contribution of historical injustices to contemporary poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, in particular in developing countries, and the need to develop programmes for the social and economic development of these societies and the diaspora. | Working Group of Experts on People of African Descent | paragraph 75 | A/HRC/30/56: Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions |
| cycle of economic exclusion | The Working Group notes that a holistic approach, encompassing education, health care, the administration of justice, employment and housing, is imperative to breaking the cycle of poverty, social, economic exclusion and marginalization in which the majority of people of African descent are trapped. | Working Group of Experts on People of African Descent | paragraph 119 | A/HRC/14/18: Report of the Working Group of Experts on People of African Descent on its ninth session |
| Slavery & globalization | The Commission on Human Rights' Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, | Working Group of Experts on | paragraph 15 | E/CN.4/2003/21 : Report of the Working Group of Experts on People |

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| | highlighted the complexities of the mandate of the Working Group. He stated that slavery was the first form of globalization in history because it linked three continents through economic exploitation and the forced transfer of populations. | People of African Descent | | of African Descent on its first and second sessions |
| Education & wealth to colonial powers | Education on the history and legacy of slavery and colonialism – which have, through the exploitation of colonized peoples and territories, enforced and normalized white supremacy, normalized racial and cultural hierarchies and systemically accrued wealth to colonial powers – is urgent in the Netherlands. | Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance | paragraph 13 | A/HRC/44/57/Add.2: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance |
| colonial legacy & climate reparations | Resource exploitation of the Americas and the Caribbean during slavery has left their economies weakened and deeply vulnerable to the rising costs of climate change. | Brattle Group | page 76 | Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean |
| colonial legacy & climate reparations | While we do not quantify the costs of global warming and climate insecurity, we recognize that the role slavery played in worsening these crises for Caribbean and Central American countries. Overall, there is an inextricable link between the underdevelopment of the region, continuing post-colonial harm, and vulnerabilities to global financial instabilities | Brattle Group | page 76 | Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean |
| colonial legacy | Report spells out the legacy as 'unquantified impacts post-abolition, focusing on racial violence, health, discrimination, climate insecurity, and debt, and race's intersections with other marginalized identities', and recognizes 'these harms as inseparable from the legacy of slavery' | Brattle Group | page 74 | Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean |