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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Principles, provisos and pathways to reparatory justice for people of African descent

Report of the Working Group of Experts on People of African Descent*

Summary

The present document contains the report of the Working Group of Experts on People of African Descent on its thirty-fifth and thirty-sixth sessions, prepared pursuant to Human Rights Council resolutions 9/14 and 54/26.

At its thirty-fifth session, held in New York from 2 to 6 December 2024, the Working Group focused on the theme "principles, provisos and pathways to reparatory justice for people of African descent" and held an event on 6 December entitled "Durban memoirs". The Working Group held its thirty-sixth session in New York, from 21 to 25 April 2025. The session, including discussions with various stakeholders, was held in private.

The Working Group has concluded that enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans, colonialism and other serious human rights violations inflicted on Africans and people of African descent need reparatory justice. This should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and consider each historical and country context. The Working Group makes recommendations to advance the pursuit of reparatory justice, notably the recognition by the United Nations of the principle of reparations for enslavement and the transatlantic trade in enslaved Africans as a norm of international law and the integration of reparatory justice into the implementation of the Second International Decade for People of African Descent.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

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I. Introduction

1. The present report is submitted to the Human Rights Council in accordance with Council resolutions 9/14 and 54/26, in which the Council requested the Working Group of Experts on People of African Descent to submit an annual report on all activities relating to its mandate. The report is focused mainly on the deliberations of the Working Group at its thirty-fifth session.

2. The Working Group held its thirty-fifth and thirty-sixth sessions at United Nations Headquarters, from 2 to 6 December 2024 and from 21 to 25 April 2025, respectively. Representatives of Member States, international organizations, regional organizations and civil society organizations and invited panellists participated in the thirty-fifth session. At its thirty-sixth session, the Working Group held meetings with representatives of international organizations, civil society organizations, bar associations and academic institutions.

II. Organization of the thirty-fifth session

A. Opening of the session

3. The opening of the session took place in two segments. Assistant Secretary-General for Human Rights and head of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New York, Ilze Brands Kehris, delivered the opening statement. She stated that members of the Working Group had the important task of making concrete recommendations to guide and support the pursuit of reparatory justice anchored in international human rights. She underscored the growing willingness among stakeholders, including States and regional organizations, to acknowledge the need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism on people of African descent. She highlighted the work of the United Nations and its human rights mechanisms in that regard, as well as initiatives taken at the national level, including by various stakeholders, such as universities. She acknowledged that there was still much to be done to fully and comprehensively embrace calls for reparatory justice. She called upon States and other actors to confront the historical injustices and to deliver reparations in various forms, with a comprehensive approach that restored the dignity of victims, achieved reconciliation and healing and reversed the consequences of exclusion and discrimination.

4. Deputy Secretary-General of the United Nations, Amina Mohammed, delivered a statement by pre-recorded video message. She asserted that colonialism, enslavement and the transatlantic trade in enslaved Africans and their entrenched legacies of dehumanization and oppression continued to affect people of African descent daily. She called for leadership and political action to move from recognition to accountability and redress. She also called for the joining of forces to address the crimes of enslavement through reparatory justice for people of African descent and to eradicate systemic racism and racial discrimination through global action, policies and laws that ensured inclusion, participation, freedom and equality for all. She supported the call for the proclamation of a Second International Decade for People of African Descent.

5. Congresswoman of the United States of America, Barbara Lee, delivered the keynote speech. She expressed concern about troubling political shifts in the United States aimed at reversing progress against systemic racism. She called for the full acknowledgement of the painful and dangerous legacy of white supremacy in order to dismantle systemic racism and to continue fighting for racial justice and reparatory justice. She deplored the failure by the United States to adequately confront that legacy, which disproportionally affected communities of colour. Ms. Lee referred to the resolution that she had introduced in the United States Congress to establish the first commission on truth, racial healing and transformation, aimed at dismantling the legacy of institutional racism. She recalled that true healing and transformation demanded reparatory justice.

6. Ambassador and Permanent Representative of South Africa to the United Nations, Mathu Joyini, recalled the country’s commitment to the principles enshrined in the

International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action as the foundational frameworks of the global fight against racism, which called for redress of the historical injustices rooted in slavery, the transatlantic slave trade and colonialism. Ms. Joyini emphasized that the transatlantic slave trade, which had been recognized as a crime against humanity, had no statute of limitations and that there was a need for reparatory justice. She referred to the African Union's choice of "Justice for Africa and people of African descent through reparations" as the theme for 2025 to sustain the momentum gained over the years of the collective quest for reparations. She concluded by stating that reparations should encompass multiple dimensions, including acknowledgment, apology, restitution, compensation, rehabilitation and guarantees of non-repetition.

7. Ambassador and Permanent Representative of Ghana to the United Nations, Harold Adlai Agyeman, recalled that his country's commitment to reparatory justice was based on fairness, equality and human dignity. He highlighted the historical irony of former slave owners receiving reparations while enslaved people and their descendants had not, referring to the post-independence debt of Haiti as another injustice. Mr. Agyeman asserted that reparatory justice should address structural inequalities through actions such as the return of cultural artifacts, investment in social infrastructure and the expression of formal acknowledgments.

8. United States Special Representative for Racial Equity and Justice, Desirée Cormier Smith, underscored the importance of reflecting on justice, progress and the ongoing struggle for people of African descent. She noted that the path to racial equity had been met with resistance, often influenced by shifting political climates. She invited global solidarity, highlighted the relevance of the legacy of civil society's movements for transformational change and encouraged the strengthening of ties across regions and initiatives.

9. During the second segment of the opening session, chaired by the Chair of the Working Group, Barbara Reynolds, the representatives of Cameroon, the African Union, the European Union, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the Inter-American Commission on Human Rights, the Permanent Forum on People of African Descent and the New York City Mayor's Office for International Affairs made statements, as did representatives of civil society organizations.

B. Election of the Chair

10. Bina D'Costa was elected Chair of the Working Group.

11. The outgoing Chair, Ms. Reynolds, welcomed Ms. D'Costa as the new Chair of the Working Group. Ms. D'Costa thanked Ms. Reynolds for her achievements during her tenure as Chair and welcomed the new member from Europe, Isabelle Mamadou.

C. Organization of work

12. The Working Group adopted the agenda and programme of work for its thirty-fifth session. The Chair introduced the agenda, elaborating on its rationale and the expected outcomes of the session. She indicated that the Working Group had received several submissions from different stakeholders in preparation for the session, which also built on more than 20 years of activities, including its thematic reports.

III. Activities of the Working Group (July 2024–July 2025)

13. The Chair noted that she had presented the annual report of the Working Group to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session.

14. At its thirty-sixth session, the Working Group held closed meetings during which it considered internal matters, including future work in 2025 and 2026, rules of procedure,

communications, advocacy and partnership strategies. It held consultations with representatives of civil society organizations, academic institutions and bar associations to discuss avenues for cooperation. It also held a meeting with the representatives of the African Union and the New York City Commission on Racial Equity. It organized a high-level panel discussion to commemorate the sixtieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination, during which International Court of Justice Judge Abdulqawi Yusuf delivered the keynote remarks. In partnership with the St. John's University School of Law and the New York City Bar Association, the Working Group held a side event entitled "Racial equity in global justice systems: addressing disparities and strengthening accountability". It took several decisions during the session, including about the framework for its thirty-seventh session, on migration, to take place from 10 to 14 November 2025. It also designated thematic and geographical focal points in line with its communication, advocacy and partnership strategy.

15. The Working Group undertook a country visit to Suriname from 24 March to 2 April 2025. It issued a media statement with its preliminary findings at the end of its visit and held a media conference afterwards. The Chair thanked the Government of Suriname for its cooperation and for facilitating the visit.

16. The Working Group continued to actively participate in events online or in-person, to interact with United Nations human rights mechanisms, civil society and other stakeholders regarding the implementation of the International Decade for People of African Descent (2015–2024) and the Durban Declaration and Programme of Action as they related to its mandate, and to advocate for the proclamation of a Second International Decade for People of African Descent. In 2024, Ms. Reynolds, in her capacity as Chair of the Working Group, gave presentations at numerous events, notably: the annual general meeting of the Canadian Association of Statutory Human Rights Agencies; the expert meeting on intersectionality and gender, organized by OHCHR in Geneva; the OHCHR regional consultation on reparatory justice; and the meeting on the socioeconomic context and political situation of Afrodescendent people in Latin America, organized by the Ombudsman of Costa Rica. In 2025, in her capacity as Chair of the Working Group, Ms. D'Costa gave statements and presentations at numerous events, including: a series of forums on the Ngunnawal and Ngambri peoples of the Canberra region; a high-level event hosted by the African Australian Advocacy Centre marking the International Day for the Elimination of Racial Discrimination; a panel on artificial intelligence and digital justice for people of African descent at the fourth session of the Permanent Forum on People of African Descent; a plenary panel on the theme "Justice denied", co-hosted by the Australian Research Council Centre of Excellence for the Elimination of Violence Against Women and the Australian Institute of International Affairs, Victoria; and, as the keynote speaker, the regional launch in Manila of the Second International Decade for People of African Descent, organized by OHCHR.

17. On 3 October 2024, Ms. Reynolds, as Chair, presented the Working Group's reports to the Human Rights Council and, on 6 November 2024, to the Third Committee of the General Assembly. In Geneva and New York, she met with the representatives of the Permanent Missions of Argentina, Brazil, Colombia and South Africa to discuss issues relating to the mandate of the Working Group and to advocate the proclamation of the Second International Decade for People of African Descent. Ms. Reynolds also met with representatives of United Nations entities. She delivered a statement at the closing event of the International Decade for People of African Descent (2015–2024), convened by the President of the General Assembly, in New York.

18. The Chair, Ms. Reynolds, and Working Group member Miriam Ekiudoko participated in the fourth session of the Permanent Forum on People of African Descent, held in New York from 14 to 17 April 2025, and in its side events; the Chair delivered remarks during the high-level segment. The Working Group organized a side event on the theme "Role of the civil society in reparatory justice" on the margins of the session of the Permanent Forum, chaired by Ms. Reynolds, who also sat on a panel on the theme "The appropriate use of 'slavery' and 'slave trade' throughout the United Nations anti-racism architecture regarding reparations", organized by the Committee on the Elimination of Racial Discrimination.

19. On 7 November 2024 and 25 June 2025, the Chair of the Working Group participated in coordination meetings with the other United Nations anti-racism mechanisms to explore

ways to continue strengthening collaboration on issues of mutual concern. The Working Group submitted input to the Committee on the Elimination of Racial Discrimination for the drafting of a new general recommendation regarding reparations for the historical injustices stemming from the chattel enslavement of Africans and the ensuing harm caused to and crimes against people of African descent. It also issued a joint statement with the anti-racism mechanisms to mark on the International Day for the Elimination of Racial Discrimination and contributed to the sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held in Geneva, with a focus on the development of the draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent.

20. In addition, Ms. Reynolds spoke at the following events: the Group of 20 side event on economic empowerment for Afrodescendent populations, organized by Geledés – Instituto da Mulher Negra; "Beijing +30 and Women and Girls of African Descent", organized by the Bell Global Justice Institute; "Berlin 1884–1885 and anti-Black racism: in search of a shared anti-racist ecumenical vision", organized by the World Council of Churches; and the Australasia and the Pacific "Africa Day Indaba 2025", organized by the African Australian Advocacy Centre and university partners.

21. Working Group member Catherine Namakula participated in the following discussions: "Reparative justice in Africa: legal pathways to address historical and contemporary violations" at the annual conference of the Pan African Lawyers Union, in Addis Ababa; "Pivoting judiciaries for the transformation of Africa into the global power house of the future" at the All African Judges and Jurists Summit, in Nairobi; "Justice for Africa and people of African descent through reparation", convened by the African Commission on Human and Peoples' Rights; and "Reflections on justice, solidarity and sustainability in commemoration of Africa Day", convened by the Mandela Institute for Development Studies and Wits Business School. She also gave the opening remarks at the African-Caribbean Dialogue on Justice through Reparation, organized at the Future Africa Campus of the University of Pretoria.

22. Ms. Ekiudoko participated in the following events: as keynote speaker and moderator in a series of online conferences on "African women and women and girls of African descent in Europe: recognition, justice and development"; as keynote speaker at the official high-level opening of the Afromadrid 2025 World Conference and at the Africa Day celebration in Budapest; and the meeting of the Afro-Surinamese diaspora. She held an in-person consultation with people of African descent in the Kingdom of the Netherlands.

23. Ms. Mamadou spoke at the following events: a workshop held in Tunis and Sousse, in partnership with the OHCHR office in Tunisia; an international seminar organized by the Muntú Research Group to assess the International Decade for People of African Descent and to outline perspectives for the Second International Decade; a symposium organized by UNFPA in San José; and the ninth International Day of Women and Girls of African Descendent, held in Valencia, Spain, where she coordinated and moderated a round table on racial and environmental justice.

24. The Working Group continued actively engaging with Member States through its communications procedures. During the reporting period, the Working Group sent nine communications regarding allegations of human rights violations to Brazil, the Dominican Republic, Malaysia, Switzerland, Tunisia and the United States. The communications sent and replies received were included in the communications reports of the special procedure mandate holders submitted to the Human Rights Council.[1] The Working Group also issued 19 media releases and statements and posted on social media. The Working Group urged States to ensure accountability for human rights violations faced by people of African descent and to end systemic racism.

[1] A/HRC/58/3 and A/HRC/59/3.

IV. Summary of deliberations

A. Thematic analysis: "Principles, provisos and pathways to reparatory justice for people of African descent"

25. The Working Group devoted its thirty-fifth session to the political, legal, sociocultural and economic dimensions, contexts, challenges, approaches, pathways, strategies and opportunities that could enable the pursuit of reparatory justice for Africans and people of African descent for the transatlantic trade in enslaved Africans and other related past injustices. It held six panels, one round table and an event entitled "Durban memoirs".

26. The first panel, on the theme "Reimagining and re-engineering reparatory justice", was chaired by Ms. Reynolds.

27. Member of the Advisory Council of the International Centre for Sustainable Development, Harold Robinson Davis, explained that reparations claims in the Americas had existed since emancipation. He highlighted that the oldest and most recognized reparations framework was that of formerly enslaved Africans in the United States and their descendants, followed by the reparations plan of the Caribbean Community (CARICOM). He also noted the emerging Ibero-American movement for reparations.

28. Human rights attorney and community activist, Roger Wareham, stressed the need for practical implementation of reparations, describing the United States response to them as a textbook example of refusal and evasion on the issue. He emphasized that reparations should address the victims' perspective and the perpetrators' refusal to honour their international legal responsibility. He stated that the acknowledgment of enslavement as a crime against humanity in the Durban Declaration and Programme of Action had eliminated the legal argument that reparations were hindered by the statute of limitations. He underscored that reparations must address ongoing systemic racism, not just historical chattel enslavement.

29. Representative of the Permanent Mission of Brazil to the United Nations, Elaine Cristina Pereira Gomes, noted that Brazil had historically favoured the consensus reached in Durban, which stressed that reparations should be implemented through development policies and other initiatives such as affirmative action, as reflected in point four of the Durban Programme of Action. She added that, internally, Brazil had prioritized reparations through public policies, including on affirmative action, non-repetition measures, measures of memory and truth, and the promotion of cooperation for development.

30. Assistant Dean of the Hamilton Lugar School of Global and International Studies at Indiana University, Isak Nti Asare, articulated that reparatory justice required systemic, structural and societal transformations, not merely compensation. He highlighted how the digital age provided tools for reparations, while noting that the projected growth of the artificial intelligence industry largely excluded communities of African descent and that artificial intelligence systems were actively used for oppression. He referred to the digital divide, noting that 33 per cent of Africans lacked Internet access compared with 6 per cent of Europeans, and to algorithmic bias, notably that facial recognition misidentified Black women 35 per cent of the time, as examples of persistent inequities. Mr. Nti Asare also noted that disinformation undermined reparations efforts and concluded that reparatory justice must address economic disenfranchisement and structural barriers and ensure that technology and equity were intertwined.

31. The second panel, on the theme "Legislative and legal underpinnings and determinants", was chaired by Ms. Reynolds.

32. Professor at the University of the West Indies, Rose-Marie Belle Antoine, highlighted the crucial role of the law in addressing historical inequities from enslavement, which continued to perpetuate global structural inequalities. She asserted that the enslavement of Africans was a crime against humanity, warranting reparations without a statute of limitations. She proposed the establishment of a new body, such as a tribunal or court, to address collective reparations claims against Governments that had benefited from the transatlantic trade in enslaved Africans.

33. Academic Coordinator and Researcher at the Afro-Latin American Research Institute of Harvard University, Carolina Silva-Portero, explained that the Inter-American Court of Human Rights offered valuable guidance on a comprehensive, human rights-based approach to reparatory justice that extended beyond financial compensation to restore dignity and foster reconciliation. She stressed the importance of symbolic reparations and guarantees of non-repetition, such as public apologies and institutional reforms. She emphasized that reparations for Afrodescendent communities should be collective and tailored to the unique harm that they had endured.

34. Professor at the University of Kinshasa and Coordinator of the African Union Reference Group on Transitional Justice in Africa, Luc Mubiala Mutoy, discussed various avenues for addressing historical injustices and stressed that diplomatic relations and symbolic reparations could not replace legal reparations owed to Africans and people of African descent. He argued that international law principles for gross violations of human rights were applicable to enslavement and colonialism and that reparations should be based on transitional justice principles. He proposed the adoption of a "transtemporal principle" to address the continuous, transgenerational nature of the harms suffered by people of African descent.

35. Visiting Fellow at Kellogg College, University of Oxford, Patricia Sellers Viseur, analysed enslavement and the transatlantic trade in enslaved Africans through the lens of international criminal law to inform reparations demands. She recalled that enslavement and the trade in enslaved persons had been prohibited under the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. She argued that victims of enslavement crimes had a right to reparations under the Rome Statute of the International Criminal Court. She presented five constitutive elements of reparations for contemporary forms of enslavement, namely conviction, personal liability, types and modalities of reparations, harm and victim, suggesting that they could inform the discussions on historical crimes.

36. Secretary-General of the Africa Judges and Jurists Forum, Martin Okumu-Masiga, in an online presentation, asserted that international law, through its recognition of enslavement as a crime against humanity and a jus cogens norm, provided a robust foundation for reparatory justice. He acknowledged legal controversies regarding the possibility of delivering reparatory justice, such as the intertemporal principle. He argued that meaningful reparatory justice must include historical accountability, address structural inequalities and involve people of African descent.

37. During the ensuing discussion, Ms. Reynolds, noting the distinctions between recognition, acknowledgement and apology and the need for them to be genuine, pointed out that it would be useful to have an objective standard of proof for genuineness. Ms. Ekiudoko observed that international law, shaped by colonialism, had established a jurisprudence of injustice, and called for a reconfiguration of the international system away from Western hegemony. Ms. Mamadou stated that the main impediment to reparations was a lack of political will, rather than legal barriers, and recommended an emphasis on moral obligation.

38. Civil society representatives advocated domestic reparations, the recognition of members of the African diaspora as citizens of Africa with a right of return to the continent, and the distinctiveness of people of African descent as a group. They also highlighted that reparations should involve all offending parties, including religious institutions and corporations, and called for United Nations support to prevent environmental injustices.

39. In response, Ms. Belle Antoine stressed the need for strong advocacy and solidarity to decolonize and rebuild the international system. Mr. Mubiala Mutoy emphasized the need to address the transgenerational impacts of enslavement and colonialism. Ms. Silva-Portero explained that the approach of the Inter-American Court of Human Rights provided a framework for national courts to define reparations on the basis of comprehensive principles and mutual agreement.

40. The third panel, on the theme "Political dimensions and implications of reparatory justice", was chaired by Ms. Reynolds.

41. Attorney-at-law and partner in the law firm Hughes, Fields and Stoby, Nigel Hughes, proposed defining reparatory justice as the rectification and transformation of systemic and structural injustices created by past injustices and crimes against humanity. He stressed the need to focus on injustices rather than on legal infractions. He asserted that slave traffickers, plantation owners, their home Governments and successor States were responsible for establishing and maintaining slavery systems. He concluded that the issue of successor States' responsibility and the demand for reparatory justice required the United Nations to forge consensus on concrete steps at the bilateral and national levels.

42. Senior expert and coordinator for reparatory justice and racial healing at the Africa Transitional Justice Legacy Fund, Ahmed Zanya Bugre, stated that reparatory justice was grounded in law but must be considered from the international politics angle. He questioned the resistance by some actors to reparations for Africans and people of African descent despite enslavement having been acknowledged as a crime against humanity. He asserted that the struggle for justice and reparations for Africans globally was ongoing and defined reparations as justice for harm caused and the restitution of forcefully taken cultural property. He recommended the establishment of an African committee of experts on reparations, an advisory team of legal experts and an African reparations fund, enhanced collaboration among the African Union, the United Nations and CARICOM, and engagement with the global African diaspora.

43. Assistant Professor at Seton Hall University, Britta Redwood, and Fulbright Scholar and Professor at Gonzaga University School of Law, Inga Laurent, noted that as the reparatory justice movement became global, calls for an international reparations tribunal had sharpened. They pointed out that tribunals, such as the Nuremberg Tribunal, had been established through international political will after genocides had been committed. They observed that countries liable for reparations today had not formally apologized and had actively boycotted the Durban Declaration and Programme of Action. They stated that tribunals were expensive and often lacked structural or governmental accountability. They recommended that the Working Group should take three concrete actions, namely advocating for a universal periodic review mechanism for reparatory justice, for an independent expert mechanism and for the publication, under the auspices of the United Nations, of a thematic handbook on reparatory justice.

44. The fourth panel, on the theme "Economic and financial considerations", was chaired by the Chair.

45. Programme Specialist at UNESCO, Nonso Obikili, made recommendations on economic and financial considerations, emphasizing the importance of quantifying the scale of reparations. He noted the fear surrounding the perceived magnitude of reparations payments and highlighted that beneficiaries of the trade in enslaved persons often included not only those indirectly involved but also those who had gained from it.

46. Principal at The Brattle Group, Alberto Vargas, presented the Group's work on quantifying reparations that might be owed for transatlantic chattel enslavement. He explained that reparations extended beyond financial compensation to include restitution and satisfaction. He stressed the importance of expanding the geographical scope and timeline of calculations for reparations, noting that the figures he had provided were based on estimated harm inflicted on people of African descent over centuries, including non-economic harm, such as the loss of liberty and premature death.

47. During the ensuing discussions, Ms. Ekiudoko proposed that compensation paid to former slave owners after abolition could be redirected for reparatory justice.

48. Civil society representatives and other participants highlighted the continued impact of enslavement, including denial of land, as an entrenched form of systemic racism, preventing people of African descent in the Americas from enjoying their rights and exercising economic and political power. They called for the return or redistribution of land or for compensation for lost land, and for affirmative action measures in favour of people of African descent. They also questioned the calculations for possible compensation, which seemed to omit the gains from enslavement made by some actors, such as religious institutions, and failed to account for loss of personhood and land ownership, forced reproduction, the sale of children and cultural genocide.

49. Other participants emphasized that the transatlantic trade in enslaved Africans had generated other forms of neocolonialism, which resulted in inequalities between nations – an example being Haiti – and that neither the loss endured by Africa nor ongoing economic colonization were fully captured in discussions on reparations. They also stressed the importance of poverty reduction through wealth creation and land ownership for the economic empowerment of people of African descent.

50. Ms. Reynolds enquired about the methodology used for calculating reparations, its comparability with methods used to provide reparations to other groups, and a matrix for addressing claims exceeding a country's gross domestic product. She also enquired about determining the responsibility of religious groups, insurance companies, traders and families. Mr. Vargas replied that the numbers he had presented were a minimum due to missing data. He also explained that the methodology used for stolen labour was consistent with that used by other forums and for personal injury. He acknowledged the difficulty of evaluating sexual and gender-based violence, which might thus lead to underestimation. Mr. Obikili reiterated the importance of an inclusive calculation process, active communication and storytelling to advance the reparations agenda and urged the Working Group to develop an advocacy plan.

51. The fifth panel, on the theme "Sociocultural expectations and ramifications of reparatory justice", was chaired by the Chair.

52. Member of the Permanent Forum on People of African Descent, June Soomer, explained that systemic racism was a global structural problem that was not accidental and served the economic interests of European empires by legitimizing exploitation. She noted that, although race was recognized as a social construct and racism was prohibited under international human rights treaties, racism persisted, with a profound impact on people of African descent. She mentioned that culture and education should be part of reparatory justice measures, including through the establishment of an international fund for the restitution of cultural property, the promotion of suppressed cultural practices, the decolonization of curricula and the removal or rededication of monuments.

53. Inaugural Director of the Center for the Repair of Historic Harms of the Presbyterian Mission Agency, Jermaine Ross-Allam, noted that white supremacy was a war against people of African descent, with denial of reparations being its socioeconomic continuation. He recommended organizing reparations through a global diasporic alliance, shifting the narrative to a moral vision and engaging faith-based organizations.

54. Global Special Collections Librarian at Princeton University Library, Mireille Djenno, highlighted the overlooked aspect of access to cultural heritage restitution. She argued that restitution should be the beginning of a new chapter, not the end, and must include clear policies to restore relationships, knowledge and agency. She noted the lack of international consensus on appropriate access to cultural heritage restitution, with several restrictions from European institutions.

55. Working Group members highlighted that people of African descent faced pressure to conform to so-called white norms, which affected their psychological well-being. They asserted the right of Africans and people of African descent to preserve their traditions, languages and ways of life for dignity, resilience and community strength.

56. Civil society representatives emphasized that reparatory justice was a transformative act that required truth-telling, healing and restoration of dignity, including acknowledging cultural damage, ensuring quality education and repatriation of artifacts and reviving ancestral languages. They stressed the need to question inherited stories and reform education to address cultural domination and prevent disconnection from roots, and the need to disaggregate data on people of African descent to address unique histories and challenges and ensure that reparations were tied to specific harms. They called for the uplift of archiving and storytelling within communities of African descent so that they could reclaim their histories. Civil society representatives emphasized the recovery of local and family histories through narration and archiving as forms of justice.

57. Civil society representatives underscored that profit from cultural exploitation must be returned to build museums and cultural centres under the leadership of Africans and people of African descent and argued that the interconnected and transnational history of

anti-Blackness and colonial exploitation should not be fragmented through isolated payouts, which would dilute any systemic change.

58. In response, Ms. Djenno emphasized the need for diverse yet unified solidarity while resisting Western comparisons, embracing distinct African cultural understandings of history and community and viewing reparations as deeply cultural and spiritual processes. Mr. Ross-Allam welcomed the reparations initiatives presented and the potential for ecumenical bodies, such as the World Council of Churches, to step up meaningfully.

59. The sixth panel, on the theme "Regional perspectives on reparatory justice: Africa, Latin America and the Caribbean, Europe and North America", was chaired by Ms. Mamadou.

60. Permanent Representative of Haiti to the United Nations, Antonio Rodrigue, highlighted the Working Group's progress in its work on reparatory justice and called upon the United Nations to prioritize reparatory justice internationally by formally recognizing slavery's legacy and setting up legal frameworks and financial and institutional mechanisms for affected communities. He discussed the pivotal role of Haiti in global history through its revolution (1791–1804), which had dismantled the pro-slavery colonial order and inspired emancipation movements. He stressed that Haiti, as the first Black republic, affirmed the universal right to freedom, despite being unfairly burdened by an independence debt imposed by France in 1825, which had severely stifled its development. He underscored his country's demand for restitution of the amount paid and formal recognition of that historical injustice.

61. Civil society representatives and participants asked about actions needed for prosperity and how to elevate the role of Haiti in the freedom of Black communities. They also enquired about the country's collaboration with CARICOM.

62. Mr. Rodrigue replied that the Haitian diaspora lacked unity, which had hindered its collective impact despite significant remittances. He advocated more organized, large-scale development efforts, stressing the importance of unity among the diaspora and collective action for reparations, including compensation and restitution. He stated that the country's role had been instrumentalized as a negative example, particularly in French overseas territories. He confirmed the collaboration of Haiti with CARICOM and its reparations working groups and called for global awareness of the country's inspiring history.

63. Regarding Africa, Mr. Bugre emphasized that the case for reparations in Africa extended to Africans on the continent and those in the diaspora, highlighting the Pan African Movement's long struggle for justice. He mentioned that, in its resolution 1339, the Organization of African Unity had called for reparations for the transatlantic trade in enslaved Africans and colonialism, which it recognized as hindering the continent's development. Mr. Bugre noted the African Union's decision to proclaim 2025 as reparations year under the theme "Justice for Africa and people of African descent through reparations", highlighting the need to address historical injustices and systemic racism and to reform global economic systems.

64. Regarding Latin America, human rights activist, founder of Agrupación Xango, member of Articulación Latinoamericana para los Decenios Afro and former National Director for Ethnic and Racial Equity, Migrants and Refugees of the National Secretariat for Human Rights of Argentina, Carlos Álvarez Nazareno, called for people of African descent to be recognized as peoples with collective rights, based on the jurisprudence of the inter-American human rights system and in accordance with the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

65. Regarding the Caribbean, the Chair of the National Platform Dutch Slavery Past, Barryl Biekman, stressed the importance of addressing enslavement's lasting impact on unity among communities of African descent. She recalled the struggle to include the crimes committed against Africans in the Durban Declaration and Programme of Action and discussions at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and her advocacy for Ubuntu principles (unity, respect, interconnectedness) to be included in reparations discussions at the Conference. She called upon former colonial powers to reject the historical myths of racial inferiority and European

white superiority and noted the participation of her organization in efforts undertaken in Europe to advance reparatory justice.

66. In the ensuing discussions, Ms. Reynolds called for a move from rhetoric to action regarding the provision of reparations, urging a nuanced approach that addressed contemporary systemic racism. She discussed the complexities of defining reparations and who recipients should be, given the diverse experiences of people of African descent. She stressed the importance of unity despite regional differences.

67. Civil society representatives and other participants raised concerns about the inhumane conditions faced by migrants in Europe, the need for specific programmes for people of African descent with mental health issues, the lack of awareness about Black history, and global networking.

68. Representative of the Permanent Mission of Colombia to the United Nations, Jessica Beatriz Orduz Duran, noted that Colombia had set up an intersectoral commission for historic reparations, led by the Vice-President, and described the country's international efforts to establish a global reparations programme, fund and campaign.

69. The seventh panel, on the theme "Regional perspectives: Europe and North America", was chaired by Ms. Ekiudoko.

70. Representative of the Permanent Mission of Germany to the United Nations, Michael Alexander Geisler, provided information about his country's efforts to reconcile with its colonial past, combat racism and promote multilateralism. He indicated that those efforts were focused on key areas of action, which included the active promotion of independent scientific research, the honest and open appraisal of the past, including through naming and recognizing the atrocities committed and addressing the colonial period in south-western Africa between 1884 and 1919, including the atrocities committed by German colonial troops against the Ovaherero and Nama communities. He mentioned the return of cultural artefacts acquired during the colonial period as another action taken by Germany to address the past.

71. Assistant Professor of Black and African Diaspora Studies at Dalhousie University, Chevy Eugene, presented a 12-point reparations plan for Canada that focused on the demand for a formal apology; equity in education, healthcare, housing, employment and the justice system; land restoration; psychological trauma; and the provision of environmental justice and economic development for people of African descent.

72. Chief Equity Officer and Commissioner at the New York City Mayor's Office of Equity and Racial Justice, Sideya Sherman, discussed the efforts undertaken by the City to define and implement reparatory justice, acknowledging enslavement's foundational role in the history of the city. She outlined the Office's focus on institutional reform, including through executive orders on equity assessments and the establishment of a task force on racial inclusion. She mentioned the legislation passed by the City to acknowledge and address the legacy and impact of enslavement and racial injustice, which required a comprehensive study to be undertaken on enslavement's legacies in the city.

73. Chair of the Kaneza Foundation for Dialogue and Empowerment, Elisabeth Kaneza, provided a legal assessment of reparatory justice initiatives in Germany. She highlighted the historical discrimination against people of African descent since the 1680s, the genocide against the Ovaherero and Nama peoples in Namibia and discrimination in compensation laws adopted after the Second World War. She mentioned several barriers to the provision of reparations and made recommendations for Germany and the Working Group.

74. In the ensuing discussions, participants emphasized the distinction between development aid and reparations, the importance of transitioning from requesting to demanding reparations, and the need to prevent white rage when Black people succeeded. Concerns were raised about the lack of transparency in discussions regarding reparations and the need for more inclusive processes in the pursuit of reparatory justice.

75. The round table on the theme "Representation, alliances and perspectives" was chaired by Margaret McGuinness, Professor of Law at St. John's University School of Law.

76. Member of the Permanent Forum on People of African Descent, Justin Hansford, emphasized the importance of grass-roots voices, noting that over 70 local reparations

commissions had been set up across the United States. He advocated for reparations as a community-first project and for the creation of a United Nations tribunal for reparatory justice.

77. Vice Dean and the Radice Family Professor of Law at Cornell Law School, Chantal Thomas, argued that the legal objections to the provision of reparations conveyed by some actors were misinformed. She highlighted that international law sources supported the right to reparations and that recent scholarship had quantified the harm of chattel enslavement.

78. Director of the Diaspora Division of the African Union, Angela Odai, stated that the African Union recognized the principle of representation as fundamental in achieving reparatory justice. She stressed the need for a legal framework and for engaging with various stakeholders, including perpetrators, in the pursuit of reparatory justice.

79. Descendant of enslavers in the British Caribbean, journalist and philanthropist, Laura Trevelyan, spoke about the apology made by her family and about providing 100,000 pounds sterling in funding for education in Grenada. She underscored the selective amnesia that existed in the United Kingdom of Great Britain and Northern Ireland regarding its role in enslavement and the payment of compensation to enslavers, not to enslaved persons, after abolition.

80. Mr. Nti Asare framed reparatory justice as a global commons that benefited all, emphasizing the need for broad alliances while ensuring that marginalized voices were central in the debate on reparatory justice.

81. Chair of the International Civil Society Working Group for the Permanent Forum on People of African Descent, Amara Enyia, discussed anti-Blackness as a global phenomenon that affected advocacy. She stressed the need to understand perpetrators and the systemic nature of the crimes and to advocate for the adoption of legal frameworks. She warned against State capture, where State interests superseded those of the people, and highlighted the critical healing role of reparations.

82. Participants discussed the need to keep the racism agenda alive in Geneva; the unrepresented status of the people of Bonaire under Dutch rule; and the need for partnerships between Governments and civil society, and between the Caribbean and Africa.

83. In conclusion, Mr. Hansford referred to the concept of “interest convergence” as a strategic framework to develop alliances where the interests of those in power aligned with the pursuit of racial justice. Ms. Thomas emphasized the role of lawyers in securing the legal framework and exploring connections between different forms of reparations. Ms. Odai stressed the need for innovative funding models and monitoring mechanisms. Ms. Trevelyan pointed to the growing momentum of discussions for reparatory justice in the United Kingdom and highlighted the CARICOM 10-Point Reparation Plan as a model. Mr. Nti Asare highlighted the importance of aligning offerings with incentives for partners and of providing clear toolkits for local governments. Ms. Enyia emphasized the need to tailor interventions to create a new world order based on the philosophical underpinnings of equality and on the willingness of allies to step out of their comfort zones.

84. The thirty-fifth session included a special event on the theme “Durban memoirs” to highlight the significance of the Durban Declaration and Programme of Action, as the most comprehensive and visionary framework against racism and the contemporary anti-racism architecture. The event was convened by the Permanent Mission of Jamaica to the United Nations and chaired by Ms. Reynolds.

85. Ambassador and Permanent Representative of Jamaica to the United Nations, Brian Christopher Manley Wallace, conveyed that the multilateral environment had changed since the adoption of the Durban Declaration and Programme of Action and that, as State representatives, they must adapt. He noted that the first International Decade for People of African Descent had not achieved its goals and that much remained to be done. He explained that the approach towards the Second International Decade should be practical, strategic and focused on what was possible and achievable. Mr. Wallace thanked the Working Group for the targeted focus on reparatory justice for people of African descent, for which Jamaica strongly advocated. He recalled the Durban Declaration and Programme of Action as the cornerstone of the global anti-racism efforts in the twenty-first century. He recommended

strategizing in three ways – having a common understanding of the meaning of reparatory justice, considering the changing geopolitical dynamics to promote possible advancements in reparatory justice and being strategic by focusing on pragmatic and achievable goals.

86. Mr. Wareham recalled that the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban had been a fight, a resistance and a victory. He outlined the historical background and the advocacy carried out by civil society organizations at the 1993 Vienna World Conference on Human Rights to obtain a decision to convene the 2001 World Conference, emphasizing the obstacles posed by several western countries. He raised concerns regarding the proclamation of the Second International Decade for People of African Descent, explaining that it downplayed the question of the Durban Declaration and Programme of Action and ignored the work of the Working Group and other follow-up mechanisms. He argued that the proclamation fell into the pattern of disappearing the Durban Declaration and Programme of Action and what it represented.

87. Member of the National Commission on Reparations of Jamaica, Sydney Bartley, shared his memories about the 2001 World Conference, recalling several disagreements, including pushbacks from European delegates against the inclusion of the notion of race in the discussions, and advocacy by his organization in favour of its inclusion. He noted the growing boycott of the Durban Declaration and Programme of Action since its adoption and invited all stakeholders to read it carefully, in particular paragraph 13, which acknowledged slavery and the slave trade, especially the transatlantic slave trade, as crimes against humanity, and paragraph 58, which recalled that the Holocaust must never be forgotten. He invited the Working Group to defend the Durban Declaration and Programme of Action and called upon the United Nations to hold a conference on reparations in 2026.

88. Ms. Biekman recalled her memories of the 2001 World Conference and explained the efforts that she and her organization had undertaken for the inclusion of colonialism and enslavement on the agenda of the Conference while some States had opposed it. She also recalled the global campaign and civil society organizations' advocacy for slavery and the transatlantic slave trade to be acknowledged as crimes against humanity in the Durban Declaration and Programme of Action.

89. Co-founder and co-Chair of the N'COBRA Health Commission, Onaje Muid, noted that N'COBRA recognized that reparations were a just demand for all African peoples and that reparations should include the minimum international standards of satisfaction, compensation, restitution, rehabilitation and cessation. He explained that, as a result of attending the Durban Conference, his organization had found horrifying confirmation that other African peoples were suffering similar harms, divided into five categories: peoplehood and nationhood, education, criminal punishment, wealth and poverty, and health. He concluded that the Durban Declaration and Programme of Action should be used as the blueprint for fighting racism.

90. In the ensuing discussions, civil society representatives shared the memories of their participation in the 2001 World Conference, including the leadership role that the delegates of their countries had played in shaping the discussions. They expressed support for the call to hear local voices and recognized obstacles to that end, regretting the lack of support from some countries to organizations working on the rights of people of African descent while those people still suffered the remnants of discriminatory laws and policies. They highlighted that some African countries had taken initiatives to provide land to people of African descent who returned to the continent and called upon the Working Group to facilitate that process. They urged the Working Group to design and support collaboration programmes with civil society and underscored the need to promote partnerships and collaboration with civil society groups.

91. In conclusion, Mr. Wallace recalled that the event highlighted two essential elements for future work, namely the need to honour the Durban Declaration and Programme of Action itself and to take from it the action items for moving forward.

92. He shared specific recommendations that Jamaica would support, notably to quantify harm by country and region, to engage with perpetrator countries with the aim of convening a discussion on an agreement, to establish a repository of the actors and allies that could be part of a global coalition, to engage with countries and institutions that had managed to reach

a level of success in reparatory justice actions, and to share lessons learned and good practices. He concluded that Jamaica would remain a trusted partner of the World Conference and its achievements and work.

V. Conclusions and recommendations

93. **The Working Group thanks Member States, representatives of international organizations and civil society for their active participation.**

94. **Considering the above, the Working Group has made the conclusions set out below.**

Principles

95. **The history and future of Africans and people of African descent are inextricably linked; therefore, the pursuit of reparatory justice for and by Africans and people of African descent must be consistent, complementary and mutually reinforcing. The Working Group is of the view that the pursuit of reparatory justice for enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans, and colonialism should be pursued from a pan-African perspective, transcending distinctions among Africans, Africans in the diaspora and people of African descent.**

96. **The Working Group considers that enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans, colonialism and other serious human rights violations were inflicted on Africans and people of African descent as a group. Therefore, it is of the view that reparatory justice must accrue to the collective; must be comprehensive, as the legacies of enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans and colonialism continue to affect all aspects of the lives of people of African descent; and must be pursued and provided with the effective and meaningful participation of Africans and people of African descent, integrating gender-sensitive approaches.**

97. **The Working Group is of the view that the following core common principles should be considered in the pursuit of reparatory justice: (a) Africans and people of African descent should be considered as the main victims who may put forward any claims for reparations; (b) States that were involved in or benefited from enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans, and colonialism – and their successors – should be considered as the main responsible actors; (c) reparatory justice should seek to eradicate the legacies and ongoing manifestations of these crimes and injustices; (d) international recognition of enslavement and colonialism as crimes against humanity should be pursued; (e) reparatory justice should be comprehensive in its forms, namely compensation, rehabilitation, satisfaction and guarantees of non-repetition, be acceptable to Africans and people of African descent and comprise as a central tenet restitution, including the return and protection of ancestral lands given the spiritual, sociocultural and economic ties that Africans and people of African descent have to these lands and the resources they contain; (f) reparatory justice should include monitoring and evaluation, as well as clear lines of accountability and responsibility; (g) reparatory justice should also include a system of incentives and sanctions.**

Provisos

98. **The Working Group considers the continuing relevance of the Durban Declaration and Programme of Action, which should be protected and defended by Member States, the United Nations and people of African descent and other relevant stakeholders.**

99. **The Working Group is of the view that, since the slave trade, especially transatlantic slave trade, was acknowledged in the Durban Declaration and Programme of Action as a crime against humanity, adequate international and national legal frameworks should be defined, identified or established to ensure due process,**

transparency in processes and ultimate resolution of claims for reparatory justice. As the transatlantic trade in enslaved Africans, enslavement and colonialism were perpetuated by the expansionist needs of several European countries and their successors emboldened by anti-African racism and notions of white supremacy, the Working Group is of the view that reparatory justice for people of African descent should integrate and be informed by measures to combat racism, anti-Black sentiment and Afrophobia.

100. **The Working Group considers that there should be no statute of limitations on the pursuit of reparatory justice for the crimes of enslavement, the trade in enslaved persons, including the transatlantic trade in enslaved Africans, and colonialism. The cost of pursuing reparatory justice should be borne by the countries and their successors and the private entities that perpetrated enslavement and colonization or benefited from them. The linkages between reparatory justice and racial, environmental and digital justice are evident and, therefore, the common principles and tenets of equality and non-discrimination should underpin reparatory justice.**

101. **The Working Group holds that reparatory justice is not simply an inter-State transaction. The interlocutors between the victims and complainants (people of African descent) and those responsible or accountable, namely States and their successors that enslaved, colonized and segregated Africans and people of African descent, should act on behalf of people of African descent, with their full consent, support and guidance. This should be secured through effective, adequate and appropriate consultation with due regard to mechanisms that would guarantee transparency, accountability and the integrity of the approach, delivery and commitments on behalf of people of African descent at all times and ensure that decisions reflect the purpose, intent and express will of people of African descent.**

102. **The Working Group is emphatic that reparatory justice for Haiti should remain at the forefront of the pursuit of reparatory justice for and by people of African descent.**

Pathways

103. **The Working Group considers that the diverse history, geography, lived experience and contexts of people of African descent require flexible, responsive and evolving approaches and strategies in the pursuit of reparatory justice. The Working Group also considers it indispensable to reach agreement on shared principles, the purpose of reparatory justice, the identification of interlocutors to act as a bridge between the victims and those responsible, approaches and strategies, and priority areas for reparations, restitution and repatriation and for return of assets, artifacts and remains.**

104. **The Working Group takes note of the approaches suggested for the pursuit of reparatory justice, namely, establishing legal proceedings through courts or a specially established mechanism, setting up truth and reconciliation-type bodies, considering State-to-State negotiations that ensure the meaningful, inclusive and safe participation of people of African descent, considering mediation through or supported by a United Nations body, establishing State-supported commissions or committees at the national and subnational levels, and engaging community, grass-roots and civil society-led organizations for reparatory justice.**

105. **In the light of the findings and conclusions above, the Working Group recommends that Member States:**

(a) **Recognize the principle of reparations for enslavement and the trade in enslaved persons, including the transatlantic trade in enslaved Africans, as a norm of international law;**

(b) **Adopt a resolution in support of the delivery of reparatory justice in a comprehensive manner, notably through restitution, compensation, rehabilitation, satisfaction and non-recurrence, that considers each historical and country context and is grounded in international human rights law; consider designating a United Nations**

mechanism to guide the process; and refrain from excluding prima facie compensation as a form of reparation;

(c) **Support States, academics, civil society and other interested parties in the mapping and meta-analysis of the concerns, initiatives and approaches related to reparatory justice for Africans and people of African descent, including their legal, political and economic underpinnings and the assessment of their success;**

(d) **Convene a group of eminent experts and scholars to document, analyse and summarize the legal determinants, economic and financial considerations and political implications and ramifications of the pursuit of reparatory justice in the diverse legal frameworks of former enslaving and colonizing States and their successor regimes;**

(e) **Hold a high-level meeting to examine the issues, concerns and pathways related to reparatory justice for Africans and people of African descent with a view to establishing the appropriate international body or mechanism to provide technical support to Africans and people of African descent in their claims, monitor progress, ensure accountability and oversight and ultimately bring resolution and closure.**

106. **The Working Group recommends that Member States, the United Nations and the international community:**

(a) **Maintain attention on and support for addressing racial, environmental and digital justice, with due regard to their intersections with reparatory justice;**

(b) **Integrate the pursuit of reparatory justice for people of African descent into the implementation of the Second International Decade for People of African Descent, provide the necessary technical and financial resources for implementation and guarantee the protection of activists and advocates for the rights of people of African descent;**

(c) **Ensure that reparatory justice is a central theme of the draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent;**

(d) **Make every effort, in collaboration with academics and researchers, to institutionalize norms of ethical and legal conduct in the application of digital technologies to promote and support reparatory justice;**

(e) **Ensure that reparatory justice documentation and materials are published in child-friendly language and made accessible to young people of African descent;**

(f) **Guarantee accessibility by publishing materials on how to access protection, immigration procedures and services in languages commonly spoken within migrant communities of African descent, such as Haitian Creole.**

107. **The Working Group recommends that Member States adopt research- and evidence-based approaches to assess the harm caused to people of African descent by the legacies of the past, racism and racial discrimination as a prerequisite for reparations.**

108. **The Working Group recommends that civil society organizations or groups promote activities that support and engage with processes of deep sharing through self-narration, storytelling and other sharing circles.**

109. **Lastly, the Working Group recommends that the United Nations facilitate the formal recognition, acknowledgment and apology owed to Haiti for the discrimination suffered through enslavement and colonization, compounded by the financial demands made upon its independence, and the restitution of those payments as an integral element of reparatory justice for Haitians.**