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Committee on the Elimination of Racial Discrimination

General recommendation No. 40 on reparatory justice for the harms and continuing consequences of colonialism, the trafficking in enslaved Africans across the Atlantic and other routes, and racialized chattel slavery*

I. Introduction

1. In 2001, participants in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance adopted, by consensus, the Durban Declaration and Programme of Action, it which they acknowledged that "slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims". They also acknowledged that "slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance". They further acknowledged that Africans and people of African descent, Asians and people of Asian descent, and Indigenous Peoples were victims of those acts and continued to be affected by their consequences.

2. The adoption of the Durban Declaration and Programme of Action marked a watershed moment in a movement for reparatory justice and redress[1], shaped and led by people of African descent and their organizations. The movement had roots in the early wars of resistance by enslaved people and in the abolition movement in Europe, during which major campaigns spread throughout the Americas, Asia, the Caribbean, Africa, and parts of Europe, eventually leading to the abolition of trafficking in enslaved Africans and emancipation.

3. Over time, the unfulfilled promises of emancipation and, in some cases, independence led to heightened regional and civil society engagement in demands for reparatory justice. This gave impetus to influential voices and mechanisms within the United Nations to advance more robust calls for reparatory justice.[2] This Committee has consistently invoked the ongoing relevance and urgency of implementing the Durban Declaration and Programme of Action.[3]

4. The present general recommendation, together with the International Convention on the Elimination of All Forms of Racial Discrimination, offers authoritative guidance and clarity on the legal basis for State responsibility to provide reparatory justice for harms resulting from both direct and indirect involvement in the trafficking of enslaved Africans and chattel slavery.

5. Racialized chattel slavery was a racially based system involving the forced transatlantic transportation of Africans, their hereditary enslavement and their treatment as property for

* Adopted by the Committee at its 118th session (10 - 25 August 2026).

[1] Led in particular by the Reparations Commission of the Caribbean Community (CARICOM), the Movement for Afrodescendants of Brazil and the African Union.

[2] See A/78/317, A/HRC/54/68, A/HRC/60/70, A/HRC/60/72 and A/HRC/60/77.

[3] See general recommendation No. 33 (2009).

commercial exploitation. Colonialism was integral to this system, while racism and racial discrimination underpinned and sustained its institutions and practices.

6. The focus on chattel slavery in the present general recommendation does not exclude comparable systems, including those involving southern Africa and routes across the Sahara and the Indian Ocean, including Mauritius and other east coast islands of Africa. The terms "slave trade" and "slavery" are used in their historical and legal contexts, consistent with established international instruments[4] that prohibit slavery, servitude and the slave trade in all their forms. These references align with States Parties' obligations, reaffirmed in international instruments and subsequent frameworks, to abolish slavery and related practices in all their forms.

7. Consistent with its mandate to interpret and ensure implementation of the Convention, the Committee emphasizes that the elimination of racial discrimination cannot be effective, thorough or lasting without a full commitment to examining and redressing the harms and continuing consequences of the trafficking in enslaved Africans and racialized chattel slavery.

II. Historical context

8. From the fifteenth to the nineteenth centuries, millions of Africans were forcibly captured and transported across the Atlantic and Indian Oceans for sale and enslavement as chattel. Historians and researchers differ in their assessments of the quantitative dimensions of trafficking in enslaved Africans, but the most recent estimate is that about 15.4 million persons were uprooted, of whom only about 10.7 million survived the journey.[5] Countless others perished from murder, violence, exploitation, suicide, or disease.[6] This, the largest forced deportation in history, inflicted lasting harm on Africa, destabilizing societies, entrenching economic dependency, destroying cultures and causing immense loss. Over centuries, it reshaped both African and American societies through violence, exploitation, racism, colonialism, capitalism, resistance and rebellion.

9. Even before treaty law explicitly prohibited racialized transatlantic chattel slavery in the nineteenth century, the practice was already unlawful under several frameworks.[7] While legal traditions vary in their approach to the passage of time and the handling of crimes or wrongs for transatlantic chattel slavery, many African legal and moral philosophies are guided by the distinct ethical premise that "a crime does not rot"[8]. Within this framework, a crime does not prescribe; therefore, no time limitation exists for the redressing of a wrong. Rather than viewing time as diminishing the significance of a violation, these traditions hold that time carries the wrong forward as a continuing present reality until there is reparation.

10. While Portugal and Spain pioneered the transatlantic trafficking in enslaved Africans, Britain, France and the Netherlands, in contravention of their domestic norms, later imposed colonial slave codes that made chattel slavery permanent and hereditary. Unlike earlier forms of servitude, transatlantic chattel slavery targeted people by assumed race, promoted racial inferiority and treated human beings as property.

[4] Notably the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the International Covenant on Civil and Political Rights.

[5] See https://www.slavevoyages.org/.

[6] Many enslaved persons chose to jump ship rather than submit to slavery. Moreover, massacres have been documented. See, for example, the case of the slave ship *Zong*, the crew of which, in 1781, drowned over 100 captives (see https://www.britannica.com/event/Zong-massacre).

[7] Britta Redwood, "Illegal at inception: transatlantic chattel slavery, reparations, and international law", *Social Science Research Network*, 26 August 2024.

[8] Kouroukan Fouga of 1235. Also known as the Manden Charter, was the oral constitution of the Mali Empire. It was established in 1235 (or 1236) by Emperor Sundiata Keita following his victory at the Battle of Krina, and UNESCO Intangible Cultural Heritage List. Inscribed in 2009 on the Representative List of the Intangible Cultural Heritage of Humanity, https://ich.unesco.org/en/RL/manden-charter-proclaimed-in-kurukan-fuga-00290

11. From its inception, the system also faced persistent objections from numerous African leaders, who used a variety of means to oppose transatlantic chattel slavery.[9] Enslaved persons engaged in continuous escape strategies and day-to-day protests and even mounted armed rebellions.[10]

12. Colonial empires exported slavery to southern Africa, Mauritius and islands along the east coast of Africa. The transatlantic trafficking in Africans and chattel slavery were deeply connected to European colonial domination across Africa, the Americas, the Caribbean and Asia. The purported inferiority of Black people was systematically constructed and propagated through pseudoscientific research, legislation, public policy and institutional practices—including through the enforcement of "Black Codes"—to legitimize enslavement, exploitation and other forms of racial oppression.

13. Over at least four centuries, transatlantic chattel slavery became a vast, interdependent system involving State and non-State actors, including business enterprises, financial institutions and religious organizations. It began with the capture of Africans for sale and evolved into a global economy exploiting enslaved African labour for profit. Chattel slavery became an international illicit enterprise spanning precolonial societies, colonial powers and postcolonial settler colonies, all enriched by the labour of enslaved Africans in the "New World". Supporting industries also thrived under colonial authority.

14. Independence in the "New World" did not always end chattel slavery. In some new States, slavery became even harsher and continued to enrich Europe and its successor settler colonies. As transatlantic trafficking in enslaved Africans grew in significance, it became financialized. Banks and insurance agencies, many of which still exist, gained prominence. They profited by financing voyages, insuring human cargo and managing debts tied to enslavement.[11] Even after the adoption of treaties banning international trafficking in enslaved Africans,[12] ships of slavers still arrived in the Americas and the Caribbean. Chattel slavery continued domestically, increasingly relying on forced procreation ("breeding") to replenish labour as plantation conditions worsened and lifespans shortened.[13]

15. After de jure slavery ended, many societies created new forms of exploitation to preserve racial hierarchies. Former enslavers were compensated in France, [14] the United Kingdom[15] and the United States of America[16] for "lost property" after abolition. Haiti was forced to pay France after its revolution, while Brazil implemented policies of monetary compensation for former enslavers. Laws and practices kept formerly enslaved people in subordinate roles through indentureship, sharecropping, prison labour, segregation and the

[9] World History Commons, "Excerpt of letter from Nzinga Mbemba to Portuguese King João III"; Sylviane A. Diouf, ed., *Fighting the Slave Trade: West African Strategies* (Woodbridge, Suffolk, Boydell and Brewer, 2017); and Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston, Massachusetts, Houghton Mifflin, 1999).

[10] Examples of resistance include the Maroon Wars (Jamaica), the Quilombo dos Palmares (Brazil) and the Stono Rebellion (South Carolina, United States of America).

[11] Eric Williams, *Capitalism and Slavery* (Raleigh, University of North Carolina Press, 1944), pp. 98–107.

[12] For example, the Slavery Convention; the Declaration of the Eight Courts relative to the universal abolition of the slave trade; the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the Suppression of the African Slave Trade; the Convention Revising the General Act of Berlin and the General Act and Declaration of Brussels.

[13] The broad scope of ownership rights claimed over enslaved persons led to uniquely harsh slavery practices that violated the general principles of law – and the domestic law of the relevant countries – at the time (Patricia Viseur Sellers and Jocelyn Getgen Kestenbaum, "The international crimes of slavery and the slave trade: a feminist critique", in *Gender and International Criminal Law*, Indira Rosenthal and others, eds. (Oxford, Oxford University Press, 2022)).

[14] Thomas Piketty, *A Brief History of Inequality* (Cambridge, Massachusetts, Harvard University Press, 2022).

[15] Michael Anson and Michael D. Bennett, "The collection of slavery compensation 1835–43", Staff Working Paper No. 1006, (London, Bank of England, 25 November 2022).

[16] On 16 April 1862, the President of the United States, Abraham Lincoln, signed the District of Columbia Compensated Emancipation Act to provide compensation to owners of enslaved people for their "lost property" when slavery was abolished.

criminalization of “vagrancy” or “idleness”, often enforced through violence and police brutality.

16. It is within these contexts that people of African descent have, for generations, sought reparatory justice and redress for trafficking in enslaved Africans and racialized chattel slavery. In some instances, governments of former colonial powers have repeatedly denied or delayed these efforts, and courts have ruled that claims for reparatory justice are legally untenable. These denials and delays have left State obligations unaddressed. Some States have nevertheless taken steps towards reparatory justice, including through formal acknowledgements and apologies, commemorative and educational initiatives, research, and dedicated funding, although such measures do not necessarily amount to full and effective reparatory justice.[17]

III. Harms and continuing consequences inflicted on individuals and groups

17. Trafficking in enslaved Africans and racialized chattel slavery inflicted grave and systematic harms, including kidnapping, forced labour, extreme violence and inherited lifetime bondage. These acts normalized practices that are still reflected in contemporary infringements of the security of person, liberty, equality before the law and the full range of civil, political, economic, social and cultural rights in violation of article 5 of the Convention. Their legacies continue to shape contemporary laws, policies and institutions. Contemporary manifestations include racial profiling and the disproportionate use of force by law enforcement officials; racial disparities in criminal justice systems; and discriminatory laws, policies and institutional practices affecting access to housing, education, employment and health care. [18]

18. Sexual and reproductive violence was integral to slavery. Enslaved women, girls and men were subjected to rape and other forms of sexual abuse and exploitation. Women and girls were also subjected to reproductive violence, including forced pregnancy, and coerced breeding which caused irreversible harm and deprived them of their dignity, bodily autonomy and reproductive autonomy. Forced procreation also functioned as a commercial practice designed to increase enslaved populations for labour and sale, particularly following the abolition of trafficking in enslaved Africans. These practices perpetuated racial and sexual stereotypes and produced continuing consequences leading to intersecting and multiple forms of discrimination and disparities in the enjoyment of sexual and reproductive health rights.[19]

19. Enslaved persons, including children, were denied legal personality and judicial protection and excluded from civic and political life. Laws such as the Black Codes institutionalized dehumanization, imposed harms to the dignity of the person and sanctioned racial violence.

20. The repealing of laws such as the Black Codes was not accompanied by positive measures dismantling racial hierarchies in practice. Post-slavery societies have continued to cause further harms to the dignity and material situations of people of African descent through exclusion from economic opportunities, political life and social mobility. Formerly enslaved

[17] For example, the Government of the Netherlands formally apologized for the role of the Dutch State in slavery and established a €200 million fund for measures addressing the history and continuing legacy of slavery, including education, research, commemoration, cultural heritage and community-based initiatives. See Government of the Netherlands, “The government’s plans for addressing slavery and its historical legacy”; and the speech by King Willem-Alexander at the commemoration of the role of the Netherlands in the history of slavery, 1 July 2023.

[18] See Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011) on racial discrimination against people of African descent, paras. 50–65; general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, paras. 20 and 26–30; general recommendation No. 37 on racial discrimination on the right to health (2024), paras 13 and 43; and A/HRC/47/53, paras. 9–15 and 24–30.

[19] CERD/C/GBR/CO/24-26, paras 43-44; General recommendation No. 37 (2024), para 43

persons were freed without compensation or support and were subjected to coercive labour regimes, vagrancy laws, racial terror and mass violence.[20]

21. Anti-Black racism, created to sustain chattel slavery, has endured long after abolition. Its persistence – evident in discriminatory laws and unequal access to education, employment, housing and public services – continues to violate article 5 of the Convention and perpetuates structural inequality across generations.

22. Racial control mechanisms developed during chattel slavery remain embedded in contemporary institutions.[21] Despite formal legal reforms, racialized violence, stereotyping and structural barriers continue to constrain, inter alia, educational attainment, economic mobility, health outcomes and environmental safety, producing enduring intergenerational disparities. The intergenerational psychosocial, health and economic harms rooted in enslavement have been reinforced by policies perpetuating anti-Black racism. These continuing violations informed the adoption of the Convention in 1965.

23. Transatlantic chattel slavery also distorted global economic relations by distributing unjustly accumulated wealth across societies and borders, creating shared responsibility for its enduring effects. Centuries of stolen labour generated vast wealth that compounded over generations, producing extreme material inequality between those who benefited from chattel slavery and those who were harmed by it.[22]

IV. Normative framework

24. Racism and racial discrimination are rooted in colonialism, transatlantic chattel slavery, and the tools used to justify and maintain the exploitation of colonized peoples and enslaved Africans. Colonial systems established strict racial hierarchies, through which colonized peoples and Africans subjected to transatlantic chattel slavery were systematically exploited, as a means of rationalizing economic exploitation, resource theft and violence as a "civilizing mission". These historical practices have had continuous effects and have directly contributed to contemporary systematic racial discrimination. The prohibition of racial discrimination is recognized as the peremptory norm of international law (jus cogens), giving rise to *erga omnes* obligations,[23] reinforcing obligations to prevent, eliminate and remedy racial discrimination.

25. Under article 2 of the Convention, States Parties are required to eliminate racial discrimination in all its forms, to refrain from racial discrimination, and address de facto racial inequalities. Where the legacies and continuing consequences of the trafficking in enslaved Africans and racialized chattel slavery contribute to present-day racial discrimination or

[20] See, for the United States of America, Alex Albright and others, "After the burning: the economic effects of the 1921 Tulsa race massacre", National Bureau of Economic Research Working Paper, No. 28985 (Cambridge, Massachusetts, July 2021); for Brazil, Brodwyn Fischer, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford, Stanford University Press, 2008); Martine Jean, "'Worthy of Freedom': Abolitionist Discourse on Slavery, Freedom, and Imprisonment in Late Nineteenth-Century Brazil", *Journal of Social History*, vol. 52, No. 3 (2019), pp. 677–704; and Brodwyn Fischer, Keila Grinberg and Hebe Mattos, "Law, silence, and racialized inequalities in the history of Afro-Brazil", in Alejandro de la Fuente and George Reid Andrews, eds., *Afro-Latin American Studies: An Introduction* (Cambridge, Cambridge University Press, 2018); and, for Latin America more broadly, George Reid Andrews, *Afro-Latin America, 1800–2000* (New York, Oxford University Press, 2004).

[21] Lukas Althoff and Hugo Reichardt, "Jim Crow and black economic progress after slavery", *The Quarterly Journal of Economics*, vol. 139, No. 4 (November 2024).

[22] Joseph E. Inikori, *Africans and the Industrial Revolution in England: A Study in International Trade and Economic Development* (Cambridge, United Kingdom, Cambridge University Press, 2002); and Stephan Heblich, Stephen J. Redding and Hans-Joachim Voth, "Slavery and the British industrial revolution", National Bureau of Economic Research Working Paper, No. 30451 (Cambridge, Massachusetts, August, 2023).

[23] A/CN.4/727, para. 102.

inequality, States Parties are required to acknowledge and address them through appropriate legislative, policy, special and remedial measures. [24]

26. Article 6 obliges States Parties to assure to everyone within their jurisdiction effective protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of discrimination. In this context, the trafficking in enslaved Africans constitutes historical racialized injustices whose enduring consequences remain relevant to the implementation of the Convention. Where those consequences are manifested in continuing or contemporary racial discrimination States Parties have obligation under articles 2 and 6 of the Convention to address such violations and to provide reparatory justice – such as restitution, compensation and guarantees of non-repetition.

27. States that engaged in trafficking in enslaved Africans and racialized chattel slavery, however, have asserted that the practice was not unlawful prior to the nineteenth century, when treaties emerged that explicitly made those practices unlawful.[25] Claims for reparatory justice based on actions during that period, they assert, must be barred by the principle of intertemporality, requiring that, for an act to be considered wrongful, a State must violate an international obligation in existence at the time of the breach.[26]

28. Under the intertemporality principle, the characterization of an act as internationally wrongful is governed by the international obligations binding on the State at the time when the act occurred. [27] This principle does not, however, preclude responsibility for conduct that continues after the relevant obligation has entered into force. In accordance with articles 14 and 15 of the Articles on Responsibility of States for Internationally Wrongful Acts, a continuing breach extends over the entire period during which the conduct remains inconsistent with the international obligation, while a breach consisting of a composite act extends over the period beginning with the first action or omission in the series and continues for as long as such actions or omissions are repeated.[28] The continuing effects of a completed historical act do not, without more, constitute a continuing breach.[29] Nevertheless, irrespective of the legal characterization of the original historical acts, States Parties remain bound by their present obligations under the Convention to eliminate contemporary forms of racial discrimination and address structural inequalities and other continuing consequences linked to colonialism, the trafficking in enslaved Africans and racialized chattel slavery.[30]

29. International law recognizes several exceptions to the strict application of the intertemporality principle, particularly in the context of serious violations such as racial discrimination and slavery. [31] International tribunals and human rights bodies have also

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[24] Articles on responsibility of States for internationally wrongful acts, art. 31 (*Yearbook of the International Law Commission, 2001*, vol. II (Part Two) and corrigendum (United Nations publication, 2008), paras. 76 and 77).

[25] For example, the Declaration of the Eight Courts relative to the universal abolition of the slave trade; the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the Suppression of the African Slave Trade Convention Revising the General Act of Berlin and the General Act and Declaration of Brussels.

[26] "An act of a State does not constitute a breach of an international obligation unless the State is bound by the obligation in question at the time the act occurs." (articles on responsibility of States for internationally wrongful acts, art. 13).

[27] Articles on Responsibility of States for Internationally Wrongful Acts, art. 13, with commentaries thereto, paras. 1–5, in *Yearbook of the International Law Commission*, 2001, vol. II, Part Two.

[28] Ibid., arts. 14 and 15, with commentaries thereto. See also *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

[29] Articles on Responsibility of States for Internationally Wrongful Acts, commentary to art. 14, para. 6.

[30] International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2 and 6; and Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011), paras. 17–20.

[31] The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has acknowledged these evolving legal standards and underscored that doctrines such as intertemporality should not be misapplied to shield States from responsibility for continuing violations. She has highlighted that "the pursuit and achievement of reparations for slavery and colonialism require a genuine 'decolonization' of the doctrines of international law that remain barriers to reparations" (A/74/321, para. 10).

recognized that the intertemporality principle is not absolute. Its application is subject to exceptions where strict adherence would undermine access to justice or perpetuate ongoing violations. The Committee emphasizes that States Parties must address the structural and lasting consequences of racial discrimination, regardless of the legal status of such acts at the time that they were committed.

30. The evolution of international legal norms, including the recognition of peremptory norms (jus cogens), has also resulted in the prohibition of racial discrimination and slavery. As such, even if certain practices were not explicitly prohibited by treaty at the time, general principles of law, customary international law and the later crystallization of jus cogens norms render such defence insufficient. By recognizing the persistence of systemic racism and its roots in historical slavery, the Committee considers that the States Parties should take action today, including by adopting appropriate reparatory measures, regardless of the legal framework applicable at the time of the historical acts.

A. Right of individuals and groups to a remedy and reparatory justice

31. The right of individuals and groups[32] to seek remedies and reparations for racial discrimination is firmly established under the Convention, notably in articles 2, 5, 6 and 14, which require States Parties to provide effective protection and remedies against acts of racial discrimination. This right is reinforced by other human rights treaties, such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as by the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which reflect customary international law. These instruments obligate States to ensure restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims of racial discrimination, addressing both individual and collective harms. The recognition of these rights under both treaty law and customary international law underscores the international community's consensus that victims must have access to effective remedies and reparatory justice, as reflected in the jurisprudence of human rights bodies and courts.

32. The Convention requires States Parties to implement special measures that address both de jure racial discrimination and de facto inequality and to provide effective remedies and reparations for violations of the Convention. While the Convention does not explicitly address reparatory justice for historical injustices, interpretations of its provisions repeatedly underscore the need to address effectively the legacies thereof, which continue to disadvantage people of African descent today.[33]

33. Article 2 of the Convention recognizes that racial discrimination affects both individuals and groups, and that measures aimed at eliminating it, including reparatory measures should protect and benefit both.

34. In this regard, the Committee recommends that structural measures be implemented as a matter of policy, thereby recognizing collective harms, even when harms to a specific individual have not been established.[34] Article 6 guarantees that individuals and groups subjected to racial discrimination have the right to effective protection, remedies and just

[32] The legitimacy of collective remedies has been recognized by the Inter-American Court of Human Rights and the International Criminal Court in the light of the complexity of harms associated with wrongdoing, particularly with respect to widespread abuses perpetrated on a distinct group. In many such cases, collective reparations have been awarded in response to collective harms, even where the wrongdoing does not, in itself, constitute a breach of collective rights. The cultural bonds or collective experience of victims – as distinguished from the specific right breached – may justify collective awards (Inter-American Court of Human Rights, *Case of the Moiwana Community v. Suriname*, Judgment, 15 June 2005; Inter-American Court of Human Rights, *Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, Judgment, 20 November 2013; and International Criminal Court, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision, 7 August 2012).

[33] General recommendation No. 34 (2011), para. 17.

[34] CERD/C/CUB/CO/19-21, paras. 17 and 18; and CERD/C/NLD/CO/22-24, para. 28.

reparations through the competent national institutions. It obligates States Parties to provide accessible legal avenues for victims to seek redress, including compensation, restitution and other forms of satisfaction. Moreover, article 14 establishes a procedure that enables individuals and groups to bring complaints before the Committee if domestic remedies are insufficient, ensuring comprehensive protection and accountability.

35. All forms of remedy and reparatory justice must be gender-responsive and transformative. They should recognize and address the distinct and intersecting harms experienced by women, men and persons with diverse gender identities, and the differential continuing consequences of such harms. Reparatory measures should be designed and implemented with the effective participation of those affected and should aim to address and transform the underlying structural inequalities and intersecting forms of discrimination that enable, perpetuate or exacerbate racial and gender discrimination.

B. Special measures and reparatory justice for the legacies, harms and continuing consequences inflicted by transatlantic trafficking in enslaved Africans and racialized chattel slavery

36. Article 2 of the Convention imposes broad and immediate obligations on States Parties to pursue, by all appropriate means and without delay, policies that eliminate racial discrimination in all its forms and promote understanding among all races. The article is action-oriented and multifaceted, serving as the fundamental statement of States Parties' duties to implement the Convention and advance its goals.

37. In its general recommendation No. 32 (2009) on the meaning and scope of special measures, the Committee underscored that the Convention was grounded in the principles of dignity and equality – encompassing both formal and substantive equality (para. 6). The Committee recognized that disparities requiring special measures often arose from historical circumstances that continued to deprive vulnerable groups of essential advantages needed for the full development of the human personality.

38. Article 2 (2) of the Convention affirms that States Parties must, when circumstances warrant, adopt special and concrete measures across social, economic, cultural and other fields to ensure the adequate development and protection of racial groups. These measures are essential to guarantee the full and equal enjoyment of human rights and fundamental freedoms. Reparatory justice programmes – including financial compensation, educational initiatives and institutional reforms – are explicitly supported within this framework. Such programmes are vital for dismantling entrenched inequalities and the harms rooted in chattel slavery and colonialism, and for advancing justice. In its general recommendation No. 34 (2011), the Committee observed that overcoming the structural discrimination affecting people of African descent called for the urgent adoption of special measures (affirmative action), as established in the Convention (arts. 1 (4) and 2 (2)) (para. 7).

39. Article 2 is closely tied to obligations provided under other provisions. Article 5 requires States Parties to provide for equality in the exercise of civil, political, economic, social and cultural rights. While this list is extensive, it is not exhaustive. Article 1 requires that equality be guaranteed in "any other field of public life". Article 3 obligates States Parties to prevent, prohibit and eradicate racial segregation and apartheid. Article 4 requires States Parties to condemn and criminalize racist hate speech and the dissemination of theories of racial superiority.

40. Special measures must be informed by sensitivity to historical harms. The Committee requires States Parties to acknowledge effectively, in their policies and actions, the enduring negative effects of colonialism, the trafficking in enslaved Africans and racialized chattel slavery.[35] The Committee has recognized that the need for special measures is often historically rooted.[36] Where persistent inequalities stem from historical injustices, special measures and other appropriate reparatory measures can contribute to addressing those inequalities, including

[35] General recommendation No. 34 (2011), para. 17.

[36] General recommendations No. 32 (2009), para. 22; and No. 34 (2011), paras. 18 and 20.

through the redistribution of resources and social capital, thereby fostering substantive equality and advancing reparatory justice.

C. Effective protection and remedies and the right to seek just and adequate reparation for acts of racial discrimination linked to the continuing consequences of historical injustices

41. Article 6 of the Convention requires States Parties to provide effective protection and remedies, through the competent tribunals and institutions, for any acts of racial discrimination and the related right to seek adequate reparation or satisfaction for any damage suffered as a result of such discrimination. This provision echoes language in other human rights instruments, such as article 8 of the Universal Declaration of Human Rights. Article 6 of the Convention articulates both procedural and substantive standards.

42. The Committee has interpreted article 6 to anticipate just reparations for harms to the dignity of the person. In its general recommendation No. 26 (2000) on article 6 of the Convention, the Committee observed that "the degree to which acts of racial discrimination and racial insults damage the injured party's perception of his/her own worth and reputation is often underestimated" (para. 1). In the same general recommendation, the Committee clarifies that the right to seek just and adequate reparation or satisfaction should include awarding compensation for damage, material or moral, suffered by a victim (para. 2).

43. Dignity is not just a matter of being treated well or poorly: it is a matter of how people are treated in the light of the attitudes that prevail in their communities, including their own attitudes about their worth, standing or esteem relative to others and relative to the community as a whole.[37] Notions of inherent racial status, especially racialized notions of supremacy and inferiority, undermine the ability of all persons to be treated with dignity and, indeed, sometimes even to perceive themselves as worthy of dignity. As part of the right to effective remedies, reparatory justice should aim to restore the dignity by addressing the harms arising from the historical injustices, and counter racialized notions of superiority and inferiority.

44. The Committee has spoken in explicit terms about reparatory justice for colonialism, trafficking in enslaved Africans and transatlantic chattel slavery, recommending that States Parties undertake measures of restitution, compensation and satisfaction and make efforts to address the xenophobia and racism that remain enduring legacies of the past wrongs.[38] It has recommended that State parties integrate this history into school curricula and has called for formal apologies, the adoption of specific measures to address the lasting consequences of colonialism and transatlantic slavery and the repatriation of colonial objects, artefacts and human remains of ancestors. In addition, the Committee has highlighted the importance of dialogue between States Parties and people of African descent on the historical and continuing consequences of slavery and colonialism at the individual, community and societal levels.[39]

D. Education to combat the persistence of discriminatory attitudes and to promote durable inter-ethnic understanding

45. Article 7 requires States Parties to take educational measures promoting knowledge of the history, culture and traditions of racial and ethnic groups, including people of African descent. The Committee emphasizes that balanced, objective historical accounts and public remembrance events are vital for inter-ethnic understanding.[40]

46. Teaching about historical harms reveals the enduring nature of structural inequalities. The Committee, in its general recommendation No. 35 (2013) on combatting racist hate speech, links inter-ethnic understanding to recognizing that current inequalities have historical and

[37] Robert Mark Simpson, "Dignity, harm, and hate speech", *Law and Philosophy*, vol. 32, No. 6 (November 2013).

[38] For example, CERD/C/SWE/CO/24-25, paras. 46 and 47.

[39] See CERD/C/MUS/CO/24-25, CERD/C/GBR/CO/24-26, CERD/C/DEU/CO/23-26 and CERD/C/ESP/CO/21-23.

[40] General recommendation No. 35 (2013), paras. 30 and 35.

political roots. This awareness, if shared by both majority groups and people of African descent, is essential to addressing inequality and exclusion.

47. The educational obligations in article 7 align with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which define satisfaction in reparations as including accurate accounts of violations in educational materials at all levels.

48. Victims' voices must guide factual reconstructions of history through open, transparent and participatory review of archives. This process builds public trust and counters denialism. The goal is for victims and society to understand and accept the past, easing tensions and enabling peaceful coexistence.

49. Articles 6 and 7 require States Parties to enact public policies supporting truth-telling and memorialization and to educate citizens about historical racial injustices. The Committee has repeatedly called for the history and legacies of slavery and colonialism to be taught, and for affected groups to contribute in schools and public discourse.[41] Such measures should be consistent with the requirements of the Convention and of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

V. Obligations of States Parties and recommendations

50. As analysed in section IV above, transatlantic chattel slavery constitute historical wrongs whose effects continue to disadvantage people of African descent today[42]. The passage of time and questions concerning the temporal application of particular international legal instruments should not be understood as preventing States from recognizing these historical injustices or adopting appropriate measures of reparatory justice and accountability for those crimes.

51. The Committee recognizes that responsibility for chattel slavery does not exist only in its primary form. While some States bear direct responsibility for trafficking in enslaved Africans and racialized transatlantic chattel slavery others may have benefited from, facilitated, or contributed to sustaining the global economic and racial structures that emerged from these systems. At the same time, there are some States that neither engaged in nor benefited from these practices. Notwithstanding this distinction, all States have a responsibility to support reparatory justice for the legacies of these historical injustices given their enduring global impacts. The legacies of slavery remain embedded in economic, social, and institutional structures worldwide, perpetuating racialized inequalities and discrimination[43]. The pervasive benefits accrued by many States—through participation in global trade networks, colonial economies, and the international financial system—extend far beyond the borders of former slaveholding nations.[44] Reparatory justice is about direct historical responsibility and a shared ethical and international commitment to address the continuing harms, dismantle structural racism, and promote equality. International cooperation, solidarity, and support for reforms and education on the legacies of chattel slavery and their links with contemporary forms of racial discrimination are essential for remedying the consequences of this grave injustice and fulfilling obligations under international human rights law.

[41] See CERD/C/NLD/CO/19-21, CERD/C/ESP/CO/21-23, CERD/C/GBR/CO/24-26, CERD/C/IRL/CO/5-9, CERD/C/NLD/CO/22-24, CERD/C/LUX/CO/18-20, CERD/C/BEN/CO/1-9, CERD/C/USA/CO/10-12, CERD/C/FRA/CO/22-23, CERD/C/ITA/CO/21, CERD/C/SEN/CO/19-23, CERD/C/MAR/CO/19-21, CERD/C/DEU/CO/23-26, CERD/C/PRT/CO/18-19, CERD/C/BRA/CO/18-20, CERD/C/ARG/CO/24-26, CERD/C/URY/CO/24-26 and CERD/C/KEN/CO/8-9.

[42] CERD, General recommendation No. 34 (2011), para 17

[43] A/HRC/42/59, paras. 27–32

[44] UN General Assembly, A/RES/68/237; Inter-American Commission on Human Rights, The Situation of People of African Descent in the Americas, OEA/Ser.L/V/II. Doc. 62, 2011

A. Obligation of States Parties to guarantee reparatory justice

52. States Parties must implement comprehensive reparatory measures for people of African descent, covering all aspects of remedies. [45] Reparatory justice should be comprehensive and grounded in international human rights law, combining a wide range of measures conceived as monetary, non-monetary and structural. States Parties must implement those measures through laws and policies, ensuring independent monitoring and evaluation. Reparatory justice must be aimed at dismantling the race-based hierarchical domination and subjugation within and across all institutions. The structural changes should be transformative in generating societies that meet the standards of equality required in articles 1to 7 of the Convention.

53. Transformative reparatory justice must address past harms and their ongoing impact, using an intersectional and intergenerational approach. Gender sensitivity is essential and should be achieved through legislative, institutional and policy reforms.[46] Reparatory justice should match the scale and duration of the harm caused by States' failures.

54. Nationwide structures must ensure equal redress for people of African descent. Plans should recognize that truth, justice and reparatory justice for transatlantic chattel slavery and its legacies promote non-recurrence and benefit society as a whole.[47]

1. Ensuring the full and effective participation of people of African descent in designing and implementing reparatory justice

55. States Parties must guarantee the meaningful, inclusive, safe, culturally appropriate and gender-sensitive participation of affected communities in the design of reparatory justice measures addressing the enduring inequalities resulting from trafficking in enslaved Africans and transatlantic chattel slavery.[48] These measures must include participatory monitoring and implementation.

56. Participatory processes must be State-funded and led by people of African descent under an inclusive representation model.[49] They should be iterative and constructive and should involve policymakers, ensuring that processes meet current and future needs. A safe environment for human rights defenders is essential, with risk assessments and protection measures put in place. Intersectional approaches – considering race, gender and disabilities – enhance protection.

57. States Parties must ensure that reparatory justice includes measures to increase the representation of people of African descent at all levels in institutions and policymaking as a guarantee of non-repetition[50].

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[45] See CERD/C/VAT/CO/16-23, CERD/C/PRT/CO/18-19, CERD/C/GBR/CO/24-26, CERD/C/BRA/CO/18-20, CERD/C/DEU/CO/23-26, CERD/C/ARG/CO/24-26 and CERD/C/URY/CO/24-26. Satisfaction to people of African descent can include the right to investigation and truth, public judgments and acknowledgements, apologies, acceptances of responsibility and public commemorations, including memorials and dedications of public spaces.

[46] A/HRC/60/70, para. 69; and conference room paper on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, paras. 294 and 303. Available at https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf.

[47] Conference room paper on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, para. 296.

[48] See A/78/317 and A/HRC/60/70. See also Office of the United Nations High Commissioner for Human Rights (OHCHR), "How to effectively implement the right to participate in public affairs: a spotlight on people of African descent" (Geneva, 2023).

[49] See Committee on the Elimination of Discrimination against Women, general recommendation No. 40 (2024) as a basis.

[50] CERD/C/NIC/CO/15-21, para. 31; CERD/C/NLD/CO/19-21, para. 16 (a); CERD/C/ESP/CO/21-23, para. 30 (a); CERD/C/MRT/CO/8-14, para. 12 (b); CERD/C/MEX/CO/18-21, para. 17 (a); CERD/C/GTM/CO/16-17, para. 30; CERD/C/COL/CO/17-19, para. 17 (e); CERD/C/NLD/CO/22-24,

2. Guaranteeing full public disclosure of the truth about trafficking in enslaved Africans and racialized chattel slavery, its harms and continuing consequences

58. Pursuant to the object and purpose of the Convention, States Parties are required to investigate and disclose the full truth about transatlantic chattel slavery. Victims have a right to know the truth,[51] which is tied to the right to remedy, including effective investigation, fact verification and public disclosure. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law mandate fact verification and full public disclosure (para. 22 (b)). States Parties should see this duty as part of the right to information and of their obligations under the Convention to educate against prejudice and combat hate speech and racism.

59. States Parties who were involved in transatlantic chattel slavery must promptly release all information needed to reconstruct the full historical record, including details on events, responsible individuals and institutions, beneficiaries and victims. They must preserve and guarantee full, free and effective access to archives and records relating to human rights and humanitarian law violations, including records concerning violations committed against enslaved persons, with a view to ensuring the right to truth. States Parties should support and fund efforts to create an unbiased account of transatlantic chattel slavery and its lasting effects on Africans and their descendants. [52]

60. States Parties should establish independent commissions to investigate and establish the truth,[53] whose composition includes people of African descent and adheres to gender parity and whose mandates and working methods integrate a strong gender perspective. [54] Such commissions should have the authority to compel testimony and disclosure from both public and private actors that are apt to satisfy the rights to truth, justice, reparation and non-recurrence. They must ensure a comprehensive historical record beyond State-held archives, which is key to public trust in the truth-seeking process. They also must receive funding that is commensurate to the mandate that they have to implement and be designed and implemented with the involvement of civil society.

3. Addressing material and social inequalities stemming from the legacies of transatlantic chattel slavery

61. Pursuant to articles 1, 2 (2) and 5 of the Convention, States Parties must take special measures to eliminate structural racism and inequalities resulting from transatlantic chattel slavery. States Parties should effectively acknowledge in their policies and actions the negative effects of the wrongs occasioned on people of African descent in the past.[55] Denying effective reparatory justice is itself a distinct form of racial discrimination and violates article 2 (2) of the Convention.

62. States Parties must co-design special measure frameworks with people of African descent[56] and avoid ending or weakening these measures before achieving equality.[57] Special measures should continue as long as data and practice show that they are needed and effective.

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para. 28; CERD/C/BRA/CO/18-20, para. 60; CERD/C/PRT/CO/18-19, para. 30 (a); CERD/C/ARG/CO/24-26, para. 21 (b); and CERD/C/IRQ/CO/26-27, para. 23.

[51] See Human Rights Commission resolution 2005/66.

[52] Conference room paper on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, para. 299. See also https://www.unesco.org/en/routes-enslaved-peoples.

[53] CERD/C/DOM/CO/13-14, para. 9; CERD/C/MUS/CO/15-19, para. 8; and CERD/C/MUS/CO/20-23, paras. 16 and 17.

[54] OHCHR, *Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice* (New York and Geneva, 2018). See also A/75/174.

[55] General recommendation No. 34 (2011), para. 17.

[56] CERD/C/USA/CO/10-12, para. 9.

[57] CERD/C/GBR/CO/21-23, para. 13.

Reparatory justice should target disparities in morbidity, life expectancy, mortality, education, health and wealth, fostering a more equitable society.[58]

63. While special measures are data-driven, comprehensive reparations must go beyond data analysis to address centuries of harm. Reparatory justice should be broader and more substantial than special measures alone. Reparatory justice must recognize the violations of dignity and dehumanization suffered by enslaved persons and address the continuing consequences of trafficking in enslaved Africans and chattel slavery. States Parties must address ongoing harms – economic marginalization, limited political participation and psychosocial trauma – through reparations and policy reforms.

64. States Parties should prioritize reparatory justice for harms originating in transatlantic chattel slavery that have persisted or worsened since chattel slavery ended.

4. Providing access to justice: effective protections, remedies and the right to seek just and adequate reparation

65. In accordance with Article 6 of the Convention, States Parties must ensure that their legal frameworks enable competent national tribunals and other State institutions to award and enforce appropriate forms of reparation and that people of African descent have effective access to the relevant procedures.

66. Taking into consideration that international law recognises that statutes of limitations do not prevent access to justice and effective remedies for gross human rights violations or crimes against humanity, and as States acknowledged in the Durban Declaration and Programme of Action, "slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance".

67. States must recognise the long history of advocacy for justice by enslaved people since the start of transatlantic chattel slavery.[59] Claims for redress have persisted for centuries but have consistently been denied, including in recent times.[60] States must respect the inherent dignity of claimants and recognize the challenges of providing evidence across generations. States Parties should not let evidentiary limitations prevent reparations, as material and moral damages from gross human rights violations are presumed.[61]

68. Access to justice and remedies must be gender-responsive, intersectional and transformative. States Parties should identify and remove the specific barriers faced by women and girls of African descent, including the risk of retaliation or revictimization. Procedures and remedies should address the distinct and intersecting racial and gender-based harms experienced by claimants, including sexual and reproductive violence and economic exploitation, and should be designed and implemented with their meaningful and safe participation.

5. Ensuring the accountability of non-State actors for their roles in the trafficking in enslaved Africans and racialized transatlantic chattel slavery and continuing consequences

69. All States parties have responsibility to contribute to full and effective reparatory justice for people of African descent. In fulfilling those obligations, States Parties should ensure the

[58] General recommendation No. 37 (2024), para. 53. In its general recommendation No. 34 (2011), the Committee observed that overcoming the structural discrimination affecting people of African descent called for the urgent adoption of special measures (affirmative action), as established in articles 1 (4) and 2 (2) of the Convention.

[59] For example, the case of Belinda Sutton, who, in 1783, petitioned a Massachusetts court to grant her a pension from her enslaver's estate as compensation for her unpaid labour (see https://www.ohchr.org/sites/default/files/documents/hrbodies/cerd/cfis/gr-reparations/subm-cerd-general-recommendation-ind-dr-adejoke-babington-ashaye.pdf).

[60] In 2023, for instance, the Court of Cassation of France denied reparations on standing and statutes of limitations grounds to plaintiffs from Martinique (Appeal No. 22-13.457, Judgment, 5 July 2023).

[61] International Commission of Jurists, *The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners' Guide*, revised ed. (Geneva, 2018), p. 213.

accountability and cooperation of non-State actors that participated in, facilitated or profited from the trafficking in enslaved Africans, racialized chattel slavery or related colonial practices. Such non-State actors should acknowledge their historical roles, accept responsibility for the harms to which they contributed and take appropriate measures to address their continuing consequences.

70. States Parties should adopt appropriate legislative, administrative and policy measures to regulate and oversee relevant non-State actors and ensure their effective contribution to reparatory justice. They should require such actors to investigate and disclose their historical involvement; provide free and effective access to relevant records and archives; engage in truth-telling; publicly acknowledge their roles and any benefits derived from those practices; and issue meaningful apologies, where appropriate. Appropriate safeguards should be established against obstruction, selective disclosure and the concealment, alteration or destruction of relevant records.

71. Relevant non-State actors, including religious organizations, universities, business enterprises, banks, insurers and other financial institutions, should open their relevant records and archives without undue cost or restriction and cooperate fully with truth-seeking and reparatory processes. They should also contribute, in a manner commensurate with their involvement and the benefits obtained, to appropriate reparatory measures, which may include restitution, compensation, rehabilitation, satisfaction, memorialization, educational and community-based initiatives and guarantees of non-repetition. Acknowledgements and apologies should be accompanied by concrete measures and should not substitute for other appropriate forms of reparation.

72. State and non-State institutions, including museums, universities, religious organizations and research bodies, should facilitate the return of cultural objects and ancestral human remains taken in connection with the trafficking in enslaved Africans, racialized chattel slavery and colonialism to the affected communities or their representative institutions. All measures under the present section should be designed, implemented and monitored with the meaningful, inclusive and safe participation of people of African descent and affected communities.

6. Using educational tools and forms of memorialization to combat the persistence of discriminatory attitudes that are legacies of the past and perpetuate harms and continuing consequences

73. States Parties are required to actively share the full, objective facts about transatlantic chattel slavery revealed by research. States Parties must foster public trust in these findings and ensure that they inform public discourse on current realities and future efforts to build a society based on equal rights.

74. States Parties must provide effective education at all levels to promote knowledge of the history, culture and traditions of racial or ethnic groups, including people of African descent. This should encourage inter-ethnic understanding, accurately represent history – especially past atrocities – and include public commemorations for remembrance and healing.[62]

75. States Parties are required, under article 4 of the Convention and in accordance with general recommendation No. 35 (2013) on combatting racist hate speech, as well as the joint general recommendations No. 38 and No. 39 (2025) on guidelines for eradicating xenophobia towards migrants and others perceived as such,[63] to combat hate speech and to eradicate xenophobia and ideologies of racial superiority. They must act early to prevent prejudice and address misinformation about transatlantic chattel slavery and its ongoing harms to people of African descent.

[62] General recommendation No. 35 (2013), paras. 34 and 35.

[63] Joint general recommendation No. 38 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 7 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and joint general recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 8 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

76. These measures should involve educating policymakers and the public on how transatlantic chattel slavery shaped current institutions and why reform is needed for the good of all. Elected officials should educate the public on the importance of reparatory justice for building a healthy, inclusive society.

77. Public spaces should honour the contributions of people of African descent and clearly acknowledge the wrongs of those who supported or benefited from historical atrocities.[64]

78. States Parties must ensure that schoolbooks and curricula present accurate, unbiased accounts of transatlantic chattel slavery, its aftermath and current realities, based on thorough research.

B. Obligations of States Parties to other States

79. State Parties actions must prioritize reparatory justice in the form of guarantees of non-repetition, according to which all States Parties must pursue without delay a just and equitable international order under international law[65] towards ending racial discrimination against all peoples, including victims of transatlantic chattel slavery. This obligation to repair is owed to all States Parties, to all people of African descent and to society as a whole.[66]

80. States Parties may seek reparations through restitution, compensation, cessation, guarantees of non-repetition, and satisfaction, including acknowledgement of responsibility and apologies.[67] The scale and lasting impact of trafficking in enslaved Africans and transatlantic chattel slavery make full reparatory justice impossible and restitution incapable of fully addressing the harm caused.

81. States Parties must recognize their involvement in transatlantic chattel slavery.[68], accept accountability and make reparations to injured States, the international community and people of African descent. This acknowledgement should guide inter-State negotiations on reparatory justice.

82. All must recognize the sovereignty and competency of States to demand reparatory justice for the harms caused by transatlantic chattel slavery and the enduring legacies and continuing harms to States, the international community and people of African descent.[69]

83. Successor States to former colonies that continued domestic regimes of slavery must be held fully accountable for their direct actions and omissions. Those States that arguably may not bear responsibility for directly participating in transatlantic chattel slavery may still have failed in their duty to take effective measures to abolish it. They may be responsible for perpetuating or inadequately addressing the structural race-based inequalities that stem from the historical atrocities.

84. The Convention requires that all States Parties repeal domestic laws and policies that perpetuate racism, racial hierarchies or discrimination or that hinder reparatory justice for the legacies of transatlantic chattel slavery. Such laws must be identified, acknowledged and condemned as neocolonial and repealed or revised immediately.

VI. Additional recommendations

85. All States Parties should distribute the present general recommendation widely.

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[64] Conference room paper on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, para. 300.

[65] A/74/321, paras. 9 and 26. See also A/76/180. paras. 81–87.

[66] Richard M. Buxbaum, "A legal history of international reparations", *Berkeley Journal of International Law*, vol. 23, No. 2 (2005).

[67] Articles on responsibility of States for internationally wrongful acts, arts. 30, 35, 36 and 37.

[68] CERD/C/FRA/CO/17-19, para. 8; CERD/C/VAT/CO/16-23, paras. 16 and 17; CERD/C/PRT/CO/18-19, para. 36 (c); and CERD/C/GBR/CO/24-26, para. 58 (c).

[69] See, for example, the CARICOM Ten-Point Plan for Reparatory Justice.

86. States Parties should in consultation with people of African descent, and reparation committees, create and implement national action plans on reparatory justice for transatlantic chattel slavery that are action-oriented and time-bound, with specific benchmarks aligned with the goals of general recommendation No.34 (2011) and the Durban Declaration and Programme of Action.

87. States Parties should include in their reports to the Committee under article 9 of the Convention information on action plans and other measures to provide reparatory justice to people of African descent for racial discrimination rooted in transatlantic chattel slavery.

88. Reparatory justice will continue to be one of the Committee's priorities in its interaction with States Parties as well as regional bodies, urging collaboration to turn commitments into action. The Committee acknowledges that some States and regional organizations have taken steps towards reparatory justice, including through acknowledgements and apologies, truth-seeking and historical research, memorialization and education, dedicated funding and the development of regional frameworks and action plans.[70] While welcoming such initiatives, the Committee emphasizes that they should be developed and implemented in consultation with people of African descent and affected communities and should form part of comprehensive, effective and adequately resourced reparatory justice frameworks.

[70] See, for example, African Union Assembly decision 884 (XXXVII), adopting "Justice for Africans and People of African Descent Through Reparations" as the theme of the year for 2025; the Revised CARICOM Ten Point Plan for Reparatory Justice (2026); European Parliament resolution of 26 March 2019 on the fundamental rights of people of African descent (2018/2899(RSP)); and the measures adopted by the Government of the Netherlands following its apology for the State's role in the history of slavery.