

Resolution on Africa's Reparations Agenda and The Human Rights of Africans In the Diaspora and People of African Descent Worldwide - ACHPR/Res.543 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and People's Rights, meeting at its 73rd Ordinary Session held in Banjul, The Gambia, from 21 October 2022 – 9 November 2022.

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Recalling also the decision of the Assembly of the African Union to invite and encourage the full participation of the African diaspora as an important part of the Continent, in the building of the African Union;

Noting the commitment of members states in the African Union Diaspora Programme of Action of: (a) engaging developed countries with a view to creating favourable regulatory mechanisms governing migration, and to address concerns of African immigrants in diaspora communities; (b) working for the full implementation of the Plan of Action of the United Nations World Conference against racism; (c): engaging developed countries to address the political and socio-economic marginalization of diaspora communities in their country of domicile; and (d): strengthening the implementation of legislation and other measures aimed at eradicating child trafficking, human trafficking, child labour, exploitation of women and children in armed conflicts and other modern forms of slavery.

Reaffirming the Durban Declaration and Programme of Action as a comprehensive framework addressing racism, racial discrimination, xenophobia, and related intolerance;

Acknowledging the significance of the International Decade for People of African Descent (2015 – 2024) in advancing recognition, justice and development of people of African descent worldwide;

Reaffirming the obligations of States under the African Charter on Human and People's Rights and relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

Recognizing that the human rights situation of Africans in the diaspora and people of African descent worldwide remains an urgent concern;

Expressing concern that Africans and people of African descent continue to suffer systemic racism, racial discrimination, xenophobia and related intolerance and other violations of their human rights;

Noting the emergence of contemporary forms of enslavement of Africans and people of African descent globally including in the Middle East and Arabo-Persian Gulf states;

Affirming that accountability and redress for legacies of the past including enslavement, the trade and trafficking of enslaved Africans, colonialism and racial segregation is integral to combatting systemic racism and to the advancement of the human rights of Africans and people of African descent;

Taking note of the ongoing discussions the calls from the African continent and Africa's diaspora for reparations for legacies of the past including the trade and trafficking of enslaved Africans, colonialism and racial segregation;

Welcomes the reports of the United Nations Working Group of experts on people of African descent and its recommendations to eliminate racism, racial discrimination, xenophobia and related intolerance faced by people of African descent and Africans in the diaspora;

Welcomes also the recommendation by the Working Group of Experts on People of African Descent that work begins urgently to conceptualize Africa's Reparations Agenda, seek the truth, define the harm, address the legacies of past tragedies, pursue justice and reparations and contribute to non-recurrence and reconciliation of the past;

The Commission:

1. Reinforces its collaboration with the Working Group of Experts on People of African Descent and other United Nations special procedure mechanisms concerning the human rights situation of Africans in the diaspora and people of African descent worldwide in the framework of the Addis Ababa Road Map.

2. Calls upon member states to:

- promote and protect the human rights of African migrant workers worldwide including in the Middle East and Arabo-Persian Gulf states;
- protect the human rights of migrants and ensure the right of all its citizens to receive full and authentic information about migration;
- take measures to eliminate barriers to acquisition of citizenship and identity documentation by Africans in the diaspora;
- to establish a committee to consult, seek the truth, and conceptualise reparations from Africa's perspective, describe the harm occasioned by the tragedies of the past, establish a case for reparations (or Africa's claim), and pursue justice for the trade and trafficking

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

- respect their obligations under the International Convention on the Elimination of Racial Discrimination, the Durban Declaration and Programme of Action, and the Programme of Activities for the Implementation of the International Decade for People of African Descent;
- fulfill their commitment under the African Union Diaspora Programme of Action to encourage and support its adoption and implementation, in different diaspora countries, policies that facilitate the elimination of racism and the promotion of equality of all races.

3. Invites civil society to document and report on human rights cases concerning people of African descent and Africans in the diaspora (or AU sixth region) including migrants in the Middle East and Arabo-Persian Gulf states.

4. Encourages civil society and academia in Africa, to embrace and pursue the task of conceptualising Africa's reparations agenda with urgency and determination.

Done in Banjul, The Gambia, on 9 November 2022