



EUROPE PAN AFRICAN FORUM FOR PEOPLE OF AFRICAN DESCENT

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INPUTS ON CERD GENERAL RECOMMENDATION REGARDING REPARATIONS FOR THE HISTORICAL INJUSTICES FROM THE CHattel ENSLAVEMENT OF AFRICANS, AND THE ENSUING HARMS AND CRIMES TO PEOPLE OF AFRICAN DESCENT

<https://www.ohchr.org/en/calls-for-input/2025/call-inputs-cerd-general-recommendation-regarding-reparations-historical>

Key Topic:

To what extent was anti-Black racism developed as a necessary component of the institution of transatlantic chattel enslavement, and then continued after de jure chattel enslavement was ended. What support is there for the conclusion that the contemporary systems of racial hierarchy are the progeny of the system of chattel enslavement.

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Dear Members of the CERD

The European Pan-African Forum of People of African Descent (EPAF-PAD) is an independent regional forum composed of representatives from several European countries. It has been established to support the United Nations Anti Racism mechanisms, working to promote the human rights of People of African Descent which include; the UN Permanent Forum for People of African Descent; the Working Group of Experts on People of African Descent in the implementation of the Declarations and Programs of Action of the UN International Decade(s) for People of African Descent (2015-2024; 2025-2034); the UN Convention on the Elimination of all forms of Racial Discrimination; the UN Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001); The Accra Declaration on the Decade of Return (2019); The Abuja Proclamation 1993, the Accra Declaration on Reparations and Racial Healing 2023 and all affiliated Policies, Programs, Projects and Activities with Focus on Reparatory Justice for Africa and People of African Descent and in Diaspora and the struggle against Afrophobia (also known as Afriphobia); as well as the European Union Parliament Resolutions on Fundamental Rights of People of African Descent in Europe (2019 & 2020).

The main Goal is to fostering unity, advocacy, and empowerment towards a coordinated, structured, coherent and integrated approach in the different areas of the IDPAD concern. Reparatory Justice is one of our main focuses and the reason of the establishment of the Europe Pan African Coalition on Reparatory Justice (EPAC-RJ).

We hereby provide you with our input in the context of the general recommendation regarding Reparations for the historical injustice from the chattel enslavement of Africans and the ensuing harms and crimes to people of African Descent

Highest regards,
On behalf of the EPAF-PAD
The Drafting Committee
Dr. Barryl A. Biekman
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"At the heart of transatlantic chattel slavery and the slave trade was the dehumanization of persons on the basis of race"; a social construct that to this day shapes access to fundamental human rights¹. A feature of transatlantic chattel slavery from its very inception was its systemic character. The practice of slavery was justified through moral pretexts, such as the notion of a *just war*, as well as *natural* and *positive laws* that were interpreted through the lens of European philosophical ideologies. It embodied and entrenched extreme forms of racial discrimination, that relied on domestic and international legal frameworks to institute and protect racial hierarchy in the various parts of the world affected by chattel enslavement².

In the first encounters of European and English explorers with Africans focused on differences in colour, religion, and behaviour. In 1554, Captain John Lok, *author of "Second Voyage to Guinea,"* concluded that Africans were "a people of beastly living without a God, law, religion, or commonwealth." Definitions of "Black" in the Oxford English Dictionary century before the 16th century included: dirty, sinister, foul, wicked, and "malignant." Racism certainly prepared American and European people to accept chattel enslavement of non-white people. Racial stereotypes on black people were legitimized³. From mid-17th century, in America and Caribbean, Constitutions, statutes, and well-established customs and precedents were served to legitimize chattel slavery in law and protect the institution of slavery. Black racial identity marked who was subject to enslavement; white racial identity marked who was free or, at minimum, not a slave. As a legal institution, slavery used race to determine which humans would face treatment as property to be bought, sold, inherited and even used as collateral⁴. An example, the *Massachusetts Body of Liberties*, the first historical document formalizing chattel slavery in 1641⁵. It states:

91. **Bond Slavery**⁶: *"There shall never be any bond slavery amongst us, unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us...."*

Although the Statute of Body of Liberties reflected the complexities of Massachusetts Puritans who valued individualism and humanitarian principles yet simultaneously chose to embrace the practice of chattel slavery. In 1670, Massachusetts revised slavery statute, legislative and court records document inserted steadily negative perceptions of enslaved people. At best, Massachusetts authorities regarded them as "idle, dissolute persons" and at worst, deviant criminals whose behaviour and movements must be controlled. In the 1690s, the General Court passed laws aimed at preventing White people from

¹ [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, 21 August 2019, III. Slavery, colonialism and racial discrimination, Paragraph 16.](#)

² [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, 21 August 2019, III. Slavery, colonialism and racial discrimination, Paragraph 16](#)

³ <https://www.nps.gov/articles/000/slavery-and-law-in-early-ma.htm#:~:text=Without%20positive%20law%2C%20citizens%20and,by%20divine%20revelation%20or%20reason.>

⁴ [Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean \(brattle.com\)](#)

⁵ <https://www.ebsco.com/research-starters/history/massachusetts-body-liberties>

⁶ <https://www.nps.gov/articles/000/slavery-and-law-in-early-ma.htm#:~:text=Without%20positive%20law%2C%20citizens%20and,by%20divine%20revelation%20or%20reason.>



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"harbouring and entertaining idle, dissolute persons" in taverns or otherwise doing business with them⁷. In the Caribbean, the **Barbados Slave Code of 1661** included a provision that enslaved Africans were heathenish, brutish, and dangerous kinds of people". The Code asserted the absolute mastery of the plantation owners over the enslaved and the total lack of any redress on the part of the enslaved who could be chastised, whipped, branded, lacerated, crippled, set them on fire, or murdered with no negative consequences." The Barbados Code, which was the first of its kind, was transplanted to North America and other Caribbean States⁸. In 1713, several European countries concluded the **Treaty of Utrecht**, which made provision for the Asiento de Negros (a contract concerning Africans) between Spain and the South Sea Company; the latter's responsibility was to capture and procure African slaves for delivery to Spanish America.

The concept of chattel slavery denotes outright ownership of a human being, sustainable societal endorsement through a legal system⁹. Further it encompasses: the ownership of slave offspring; succession in ownership, including inheritance; the existence of a slave market; and protection against infringement on existing ownership rights through criminal law¹⁰. *The Report on Reparation for Transatlantic Chattel Slavery in the Americas and the Caribbean 2023*,¹¹ the process of chattelization of Africans included these phases: capture and sale of Africans in Africa; the forced trek to the slave dungeons on the coast and to ships in the harbours; their internment in the slave dungeons and ships; the notorious Middle Passage, as well as the traffic between Brazil and Africa; their sale in the Americas and the Caribbean; and their forced and unpaid labour on the plantations. Every phase was characterized by atrocious and horrific treatment of the enslaved and constituted wrongful conduct under international law. The enslaved Africans were obliged to provide their labour free of cost and under such harsh conditions that after an enslaved African commenced work on the plantations, his/her average life was no more than seven to ten years. Punishment included roasting an enslaved African alive over a couple days and alive muring (encasing the enslaved within a pit or wall). The ownership of the enslaved through chattelization also extended over each miniscule aspect of the enslaved lives, including their physical sexual integrity and their psychological sexual autonomy. At the top of the list of examples of sexual violence was the rape of the female enslaved that was commonplace. The body of black women embodied the chattelization as they were subject to reproduce offsprings to be sold by their white masters and were punished if they could not fulfil this obligation. Black women were forcefully separated from their offsprings and sold as animals. Transatlantic chattel enslavement was supported throughout its duration by a well-organised and

⁷ <https://www.nps.gov/articles/000/slavery-and-law-in-early-ma.htm#:~:text=Without%20positive%20law%2C%20citizens%20and,by%20divine%20revelation%20or%20reason.>

⁸ <https://www.brattle.com/wp-content/uploads/2023/07/Report-on-Reparations-for-Transatlantic-Chattel-Slavery-in-the-Americas-and-the-Caribbean.pdf>

⁹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>

¹⁰ <https://cld.irmct.org/notions/show/307/enslavement>

¹¹ [Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean \(brattle.com\)](#)



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systematic trade in slaves¹². In Europe, the establishment of companies to trade in the practice of chattel enslavement was fully supported. We could find in the book, *Britain's Black Debt*, Professor Beckles¹³ asserts that the King and the Parliament combined to establish England as the premier slave trading nation." In 1618 King James I granted royal approval for the establishment of a company called the company of adventurers of London trading to the ports of Africa". It was granted a royal monopoly to trade forever in Guinea and Benin. Example, the Company of Royal Adventurers (established in 1663), a name that was changed to the Royal African Company (in 1672), which became the premier trading entity in transatlantic chattel slavery. Even the King's brother, the Duke of York, and himself were investors in this company; in fact, the Duke of York managed the company. Other trading companies established in England included the South Sea Company and the Dutch established the Dutch West India Company.

The Berlin conference between 1884-1885 with the signature of a General Act went further to solidify the western colonization and trade in Africa by claim and by the rule of occupation. Africans were not given a place at the conference table in Berlin¹⁴. The General Act of Berlin can be seen as the formalization of the Scramble for Africa. An example of the atrocities committed on Africans during colonial Era, is the genocide of the Herero and Nama people by German colonial forces between 1904 and 1908 after the tribes rebelled against German rule of the colony. Many Namibians who posed resistance were taken to the concentration camp at Shark Island where they died of starvation and skulls were sent to Germany to be used for medical experiments¹⁵.

International law itself played an important role in consolidating the structures of racial discrimination and subordination throughout the transatlantic chattel slavery and colonial period, including through customary international law, which was co-constitutive colonialism. Part of the problem is that international law has not fully been decolonized".¹⁶ Chattel slavery was unlawful, and it breached a normative principle of humanity which called for respect of the inherent dignity and personhood of all human beings. This principle has long been recognized in the *1814 Treaty of Ghent*, between Britain and the USA, both slaveholding States, as well as the 1815 Vienna Declaration, adopted by eight European states, including Britain, France, Spain and Portugal, all slaveholding States.

The period following formal termination of enslavement of Africans, reparations were due for the continuing breach of the obligations owed by former slaveholding States. Legislation passed by the English Parliament in 1833 freed enslaved persons in the Caribbean and elsewhere. Legislation passed by the US Congress in 1865 freed enslaved persons in the USA. Brazilian legislation ended enslavement in that

¹² [Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean \(brattle.com\)](http://www.brattle.com)

¹³ [https://www.academia.edu/22831190/Britain s Black Debt Reparations for Slavery and Native Genocide](https://www.academia.edu/22831190/Britain_s_Black_Debt_Reparations_for_Slavery_and_Native_Genocide)

¹⁴ [Berlin West Africa Conference | Colonialism, Imperialism, Decolonization | Britannica](http://www.britannica.com/entry/Berlin-West-Africa-Conference)

¹⁵ <https://www.britannica.com/topic/German-Herero-conflict-of-1904-1907#:~:text=German-Herero%20conflict%20of%201904%E2%80%931907%20the%20conflict%20between%20the%20population%2C%20considered%20by%20most%20scholars%20to%20be%20genocide.>

¹⁶ [Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean \(brattle.com\)](http://www.brattle.com)



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country in 1888. However, the formal grant of freedom to the enslaved did not terminate the discriminatory treatment of Black persons as chattels, which was the hallmark of transatlantic chattel slavery. Perhaps this outcome should not surprise us. The breach of the obligation not to engage in discriminatory treatment of the enslaved Africans continued after emancipation to the Europeans and American States.

Black Codes¹⁷ in United States history which were the numerous laws adopted in the states of the former Confederacy after the American Civil War that were intended to maintain white supremacy in those places. Enacted in 1865 and 1866, the Black Codes were designed to replace the social controls previously exerted over Black Americans enslavement, which was ended through the Emancipation Proclamation and the Thirteenth Amendment to the Constitution. For example, the enforcement of the Black Codes in Florida, at that time, a Black person who was unable to pay a fine or was found to have broken a contract could have their labour sold for a period. The result was, in effect, the enslavement of that person, and the manner in which they were sold¹⁸ Black people were subjected to discriminatory Jim Crow laws; they suffered every kind of atrocity imaginable, including murder by lynching and lack of access to a number of services such as those relating to health, justice and education. These laws mandated racial segregation in the Southern States of the United States. In 1921, there occurred the Tulsa massacre in the USA, in which a part of Tulsa, called the Black Wall Street, was razed to the ground by white mobs, including some appointed as deputies and armed by city officials; this horrific incident is also directly traceable to chattel slavery. The Black Codes were used as example for countries as the Netherlands.

While in Europe, the first series of Racial Laws were enacted in Europe between 1937 -1938 called the Manifesto of Race¹⁹ otherwise referred to as the Charter of Race was promulgated by the Italian government. Under the racial laws, sexual relations and marriages between Europeans (white or *Aryans*) and non-Europeans (blacks) were forbidden²⁰. As the law considered non-whites as people from inferior race. The law made interracial relationships and marriages a criminal offence²¹. Children born of these relations or marriage were considered as having contaminated bloods and not pure descendants of the Aryan race and not considered citizens. In 1938, a publication titled "Manifesto of the Racial Scientists" which mixed biological racism with history and affirmed the need to distinguish between Europeans and non-Europeans. The Manifesto encouraged racism, antiblackness and exalted white supremacy.

A modern-day example of systemic racism and Afrophobia (forms of multiple racism against African people that refers to the past in context of the *Maangamizie*) is the killing of young African American man George Floyd in 2020 by a white police officer knelt for 9 minutes on this neck, even when he screamed, he could not breath, leading to his death. We could observe that despite the end of the *de jure* system of slavery, and States being signatories to the UN

¹⁷ <https://www.history.com/topics/black-history/black-codes>

¹⁸ <https://www.britannica.com/topic/Black-Codes>

¹⁹ [Manifesto of Race - Wikipedia](#)

²⁰ [Full article: A catastrophic consequence : Fascism s debate on the legal status of Libyans and the issue of mixed marriages \(1938–1939\) \(tandfonline.com\)](#)

²¹ [The Fascist Government, the Holy See and the Prohibition of "Mixed" Marriages 1935-1938 - Quest. Issues in Contemporary Jewish History \(quest-cdecjournal.it\)](#)



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International Convention on the Elimination of all Forms of Discrimination and other European Antidiscrimination Policies; and measures based on the principle of equality and codified in national constitutions, the problem of Afrophobia still persist through a *de facto system*. Racial discrimination remains a major challenge to millions of People of African Descent, also define as Indigenous Africans.

The pseudoscience and structured on race conceived by, amongst others Swedish biologist Carl von Linné, constructed to divide and categorize the peoples of the world in order to defend first deposing of monarchs in the global-south later chattel slavery and racial inequality, has not been permanently and utterly discredited and are still inflicting people of African descent globally, including people of African descent in Europe and elsewhere, including the diaspora that are not descendants of enslaved Africans, and Africans on the African continent. This is seen in the acrophobic of gross human rights violations and extrajudicial killings of people, primarily young men, of African descent by law enforcement and immigration control officers also in Europe, the situation in France is for instance grave, as testified by amongst others Assata Traore.

We recognize it in the acceptance of subpar living conditions and of ongoing trafficking of Africans and people of African descent in Asia, North-Africa, Europe and the Americas. as remnants of the historical enslavement of African people.

Further we recognize the devaluation of the lives of people of African descent, a remnant from the historic enslavement of people of African descent, in the lack of public outcry and diplomatic or military action, in the seemingly acceptance of the suffering of people of African descent in the diaspora and on the continent brought on by violent conflicts, in for instance in Congo or Haiti.

Racial discrimination takes a variety of forms, from racist remarks in public or private sphere, extreme instances of physical assault and even murder, police brutality and harassment, impairment in access to housing, education, and health care, non-representation in political space to the refusal of a job based on an individual's colour, race, origin, ethnicity, gender or nationality. According to 2023 EU barometer survey on Discrimination, skin colour is the second most widespread²². It is no different from the figures in the Netherlands. We increasingly see that other forms of racism that Groups experience receives excessive attention compared to People of African descent.

In 2023, the OSCE Office for Democratic Institutions and Human Rights²³ published Hate Crimes Data Reporting. The hate crimes submitted by national police between 2018 to 2022, racism and xenophobia had the highest number compared to the other hate crimes. The Unites Kingdom reported the highest number of hate crimes between 2018 to 2022 a total of 431,313 cases, while 204,337 were based on racist and xenophobic reasons²⁴. Other European countries reported with high number of hate crimes for racist and xenophobic reasons: Germany, Austria, France, Belgium, Finland, Italy, Netherlands, Spain and

²² <https://europa.eu/eurobarometer/surveys/browse/all/series/20803>

²³ <https://hatecrime.osce.org/racist-and-xenophobic-hate-crime>

²⁴ <https://hatecrime.osce.org/united-kingdom>



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Portugal. In the case of Austria, the racist and xenophobic hate crimes were defined as right-wing extremism under the prohibition Act, *Insult and Honour*". The decades since have seen a rise in nationalist populist parties with mainstreaming of xenophobic, and racist discourse and hate speech, including at the highest levels of politics, these discourses pose a threat to racial equality and Afrophobia.

In view of the above and the background of the establishment of the CERD Growing international concern about racial discrimination led the United Nations General Assembly in 1963 to take the formal step of adopting the Declaration on the Elimination of All Forms of Racial Discrimination, A/RES/1904. In 1965, the General Assembly provided the world community with a legal instrument by adopting the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention specifies the measures that States agree to take, once they have become parties through ratification or accession to the Convention, to eliminate racial discrimination.

The Convention also established the Committee on the Elimination of Racial Discrimination (CERD), the first body established by the United Nations to monitor and evaluate actions by states to fulfil their obligations under a specific human rights agreement". The convention entered into force in 1969 after 27 states ratified or acceded to it.²⁵ 56 years later is the conclusion still justifies the fact that the contemporary systems of racial hierarchy and Afrophobia are the progeny of the system of chattel enslavement of Africans and as concluded in the Durban Declaration and Program of Action (2001) , as we can see these vividly through the present de facto structural and systemic racial discrimination. The European Permanent Forum for People of African Descent calls on the CERD, States including the Vatican City, (Insurance/shipping)Companies, Banks who participated in the enslavement of African People to promote effective actions and provide resources, reparations, compensatory measures²⁶, as an important step towards Reparations and Reparatory Justice. We believe that the CERD has an active role to play.

²⁵ <https://www.ohchr.org/en/treaty-bodies/cerd/background-convention>

²⁶Par 100, 165,166