



Center for Gender & Refugee Studies

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## **Submission to the Working Group of Experts on People of African Descent**

### **Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent**

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The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform your report on “Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent,” to be presented to the 60th session of the United Nations Human Rights Council and to the 80th session of the United Nations General Assembly in 2025. Specifically, we address the need for reparatory justice for Haitian and other Afro-descendant asylum seekers who face sexual and gender-based violence in their route to safety.<sup>1</sup>

This submission draws upon the public letter “[Sexual and Gender-Based Violence against Migrants in the Darién Gap](#)” (April 18, 2022) prepared by CGRS in collaboration with Haitian Bridge Alliance and Robert F. Kennedy Human Rights. The letter urged the Panamanian and U.S. governments to implement measures to protect migrants—particularly Haitian migrants crossing the Darién region—from sexual and gender-based violence. The letter’s analysis and information, as well as recommendations to address the protection needs of impacted groups, are relevant to the call for input. Copies of the letter, in both English and Spanish, are attached as an Annex.

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<sup>1</sup> Working Group of Experts on People of African Descent, [Call for written submissions on Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent](#) (35th session: 11-15 November 2024) (Accessed on August 23, 2024). Question: “Examine the factual and legal basis for claims for reparations, as well as the legal procedures/processes to effect claims for reparations including the return of artifacts and assets.”

## Conditions for Afro-Descendant Refugees and Migrants in the Darién

The Darién region is home to a dangerous route spanning one hundred miles of tropical rainforest in Colombia and Panama that migrants cross on foot. It has become a very common route for refugees and migrants making their way north from South America. This includes Haitian migrants who fled their country following the devastating 2010 earthquake, as well as other Black migrants from the Caribbean and Africa who increasingly travel through South America as part of their migration journey.

As the letter documents, over the past few years, refugees and migrants crossing the Darién region have faced alarming levels of sexual and gender-based violence. Haitian and other Black women and girls are particularly vulnerable to these dangers.<sup>2</sup> The letter was informed by dozens of interviews conducted by CGRS and partners with Haitian asylum seekers, whose stories are documented in this [factsheet](#).

Through the interviews, we learned that unidentified armed men frequently gang-rape women and girls, often committing these crimes in front of the victims' helpless family members. In one interview, a Haitian woman recounted that after being gang-raped herself, she witnessed a twelve-year-old Haitian girl suffering the same fate. Unfortunately, the girl died the next day due to the extent of her injuries. Similarly, a man described witnessing several migrants from Haiti, Venezuela and African countries being sexually assaulted in the jungle. He saw children being raped alongside their mothers and in front of their fathers. The man attempted to report these crimes to Panamanian military officers, but says he was ignored. He later tried to file a report with law enforcement at Metetí, the first refuge center after the jungle, but was unsuccessful. This lack of protection highlights the critical need for justice for survivors of sexual violence in the Darién, many of whom are Black migrants.

Shockingly, these are only a few examples of what asylum seekers face in their journey through the Darién. From January to October 2023, Doctors Without Borders treated 397 cases of sexual violence,<sup>3</sup> although the true extent of such incidents remains unknown. According to the interviews referenced in the letter, none of the survivors sought medical

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<sup>2</sup> CGRS, Haitian Bridge Alliance and Instituto para las Mujeres en la Migración, *Journey of Hope: Haitian Women's Migration to Tapachula, Mexico*, p. 39 (January 1, 2021), <https://cgrs.uclawsf.edu/our-work/publications/journey-of-hope-haitian-women%E2%80%99s-migration-tapachula-mexico>.

<sup>3</sup> Doctors Without Borders, *Darién Gap: "We crossed the jungle looking for a better future—not for our lives to end."* (November 21, 2023), <https://www.doctorswithoutborders.org/latest/darien-gap-we-crossed-jungle-looking-better-future-not-our-lives-end#:~:text=MSF%20activities%20along%20the%20Central%20American%20migration%20route&text=From%20January%20to%20October%202023,397%20cases%20of%20sexual%20violence>.

assistance, let alone pursued any form of justice. In Haitian culture, rape is highly stigmatized, which deters survivors from seeking help or redress. In one instance, a Haitian woman reported becoming an outcast at her migrant shelter and being sexually assaulted by other migrants because she had been raped in the Darién.

There is an urgent need to deliver justice to women and girls who survive sexual and gender-based violence while crossing the Darién. Given their additional inherent vulnerabilities, ensuring justice for Haitian and other Black migrants is especially crucial. Reparatory justice is essential in this context, as it not only addresses the immediate harms suffered but also seeks to rectify the deep-rooted inequalities that exacerbate the impact on these marginalized groups. In light of this, we urge the Working Group of Experts on People of African Descent to include the following recommendations in its report on reparatory justice, specifically addressing transit and host countries, to better protect and bring justice to survivors of sexual violence:

- Create comprehensive policy plans to ensure the safety of migrants in transit and prevent sexual and gender-based violence;
- Intensify efforts to investigate and punish the perpetrators of sexual and other forms of violence;
- Establish an effective complaint mechanism for migrant women who experience sexual violence while en route;
- Address complaints related to gender-based violence against migrant women, ensuring recognition and enforcement of protection measures for witnesses and survivors;
- Publicly document and disseminate efforts and policies to address sexual violence against migrants, as well as the outcomes of investigations and prosecutions;
- Guarantee language accessibility by publishing materials on how to access protection, immigration procedures, and services in languages commonly spoken within migrant communities, such as Haitian Kréyol; and
- Enhance collaboration among States, international organizations, and civil society to strengthen efforts toward achieving reparatory justice for refugees and migrants who are African or of African descent.