



NGO FORUM ON THE PARTICIPATION OF NGOS IN THE 83RD ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Decrypting the African Union's Theme of the Year: Justice for Africans and People of African Descent through Reparations

Date: 28th April 2025

Venue: OIC - Sir Dawda Kairaba Jawara International Conference Centre, The Gambia

INAUGURAL PANEL DISCUSSION: DISCUSSIONS BASED ON THE HISTORICAL CONTEXT, LEGAL FOUNDATIONS, AND MENTAL HEALTH IMPACTS OF REPARATIONS

Organised by Africa Judges and Jurists Forum [AJJF] in collaboration with Minority Rights Group, Reform Initiatives and Pan African Lawyers Union.

Panellists:

- Henrietta Ekefre – Africa Reparations Programme Lead, African Judges and Jurists Forum (AJJF)
- Gretchen Rohr – Senior Strategic Advisor on Reparations, Reform Initiatives
- Ida Persson – Special Advisor on Transitional Justice, Ministry of Justice, The Gambia
- Priscilla Yagu Ciesay – Senior Technical Advisor, Women's Association for Victims' Empowerment (WAVE)

Moderator: Ruth Ogbewekon – Pan African Lawyers Union (PALU)
Panellists:

Rapporteur: Christine Wainaina – Reparations Fellow, African Judges and Jurists Forum (AJJF).

1. Overview and Context

The inaugural panel discussion at the Forum on the Participation of NGOs in the 83rd Ordinary Session of the African Commission on Human and Peoples' Rights sought to unpack and shed more light on the African Union's 2025 theme, focusing on reparatory justice for Africans and people of African descent. The panel discussion highlighted key dimensions of reparations, beginning with their historical roots, examining the legal frameworks for reparative justice, and exploring the broader psychological and community impacts that such reparations aim to address. The session brought together experts in reparatory justice, transitional justice, human rights law, and survivor-centred advocacy to explore these complex issues from an interdisciplinary perspective.

The panel aimed to challenge the prevailing discussions surrounding reparations by urging a shift away from mere symbolic gestures and recognition towards a more tangible, policy-oriented approach that could help to heal the lasting wounds of historical injustices. The panellists discussed the implications of the African Union's theme for justice, advocating for reparations as both a moral and legal necessity for the future of African nations and their diaspora communities.

2. Key Points of Discussion

a) Historical Context and Structural Injustice

The discussion began with an exploration of the deep historical context that has given rise to the call for reparations. It was emphasised that the legacies of slavery, colonialism, and the exploitation of African peoples and resources have had lasting impacts that continue to manifest today in various forms, including economic inequality, educational disparities, and health crises. It was noted that the harm done by these systems of exploitation and oppression is not a thing of the past but rather continues to shape the lived experiences of African and African-descended communities in the present.

This historical injustice has left behind not only physical scars but also structural inequalities that persist across generations. It was stressed that these systemic issues are directly traceable to the violence and exploitation that occurred during the eras of slavery and colonialism. The call for reparations, therefore, is not merely about acknowledging past wrongs but about addressing the continuing legacies of these systems in a way that promotes real justice for the affected communities.

The role of African institutions, particularly courts and human rights bodies, was highlighted as critical in the ongoing struggle for reparations. These institutions are tasked with ensuring that the voices of those affected by historical injustices are heard and that their claims for reparations are supported within both African and international legal frameworks.

b) Legal Frameworks and Pathways to Reparative Justice

The conversation then moved to the legal frameworks that underpin the reparations movement. A major point of discussion was the growing body of international jurisprudence on reparations and how legal practitioners can leverage provisions on the right to remedy and redress, right to dignity and culture under international law to advance reparatory justice. These bodies of law, which has developed over several decades, offers a valuable resource for the African continent in its pursuit of reparatory justice.

It was pointed out that African human rights institutions have a critical role in shaping reparations frameworks that can be applied at both the national and regional levels. While international precedents are important, Africa must develop its own legal standards and mechanisms that reflect the continent's unique historical and social context. Strengthening the legal infrastructure surrounding reparations is key to ensuring that reparations are not just aspirational but achievable.

A particular focus was placed on the importance of collective reparations. It was argued that reparations should not only address individual harm but should also consider the collective trauma experienced by communities. This approach recognises that historical injustices have affected entire communities, not just isolated individuals, and that reparative measures must be designed to heal and empower communities as a whole.

c) Transitional Justice and the Role of States

The role of states in the reparations process was also a significant point of discussion. It was noted that political will is crucial for the successful implementation of reparations, especially in the aftermath of transitional justice processes such as truth and reconciliation commissions. These processes often uncover the extent of past atrocities and provide a platform for survivors to share their experiences, but without the necessary political will, these findings can remain powerless. Essentially, lessons can be drawn from transitional justice processes on the continent to support the design of reparatory justice processes and frameworks.

The challenge faced by many African governments is balancing short-term political priorities with the long-term demands of justice. It was argued that civil society must maintain pressure on governments

to fulfil their commitments to reparations. This pressure should not only come in the form of advocacy but also in the monitoring of state commitments to ensure they are being met in a meaningful way.

The panel stressed that reparations must be both symbolic and material. Symbolic reparations, such as public apologies and memorials, are important for recognising the harm done to victims, but they must be coupled with material reparations that provide tangible benefits to affected communities, such as land restitution, economic compensation, and support for education and healthcare, drawing inspiration from both the African Union Transitional Justice Policy and the CARICOM 10 point reparations plan. African government owe an obligation to pursue reparations for their citizenry.

d) Mental Health and Intergenerational Healing

The psychological impact of historical injustices was another critical theme that emerged during the discussion. It was highlighted that the toll of violence, oppression, and exploitation does not end with the immediate victims but reverberates across generations. The trauma experienced by victims is often passed down, creating cycles of intergenerational trauma that affect not only survivors but also their descendants.

One of the most poignant points raised was the need for reparations to include psychosocial support as a core component. This should involve mental health services, community healing initiatives, and a formal recognition of the non-material harm caused by historical injustices. It was argued that reparations packages must take a holistic approach that acknowledges the complex and multifaceted nature of the harm done and addresses both the psychological and material needs of victims.

3. Cross-Cutting Themes

Several cross-cutting themes emerged throughout the panel discussion, reflecting the complexity of the reparatory justice agenda and the need for nuanced approaches to justice. Intersectionality was a key theme, with panellists noting that women, children, and marginalised ethnic groups experience compounded harm within the broader reparations framework. These groups often face additional layers of exploitation and violence, which must be addressed in any reparations strategy.

The importance of survivors-centred approaches was also emphasised. It was agreed by all panellists that reparations frameworks should be shaped by the experiences and needs of the survivors themselves. Survivors must be at the centre of the conversation, not only in terms of consultation but in the design and implementation of reparations programmes.

Regional solidarity was another significant theme. It was argued that African nations and the African diaspora must build solidarity platforms to support the legal and policy advocacy necessary for reparations. These platforms should serve as vehicles for mobilising support, sharing knowledge, and ensuring that the reparations movement remains strong and cohesive across the continent.

Finally, institutional reform was discussed as an essential aspect of reparations. It was recognised that reparations must go hand in hand with broader reforms in sectors such as education, healthcare, and justice. These reforms are necessary to dismantle the structural inequalities that reparations aim to address and to ensure that the process of reparative justice is truly transformative.

4. Key Recommendations

The panel concluded with several key recommendations for advancing the reparations movement in Africa.

- a) The first recommendation was the need to develop a continental reparations strategy that is anchored in African human rights instruments and aligned with the African Union's theme of the year. This strategy should serve as a guiding framework for national and regional efforts and ensure that reparations are implemented in a coordinated and effective manner.
- b) Another recommendation was to invest in survivor-led research and storytelling, particularly focused on the psychological impacts of historic and systemic violence. Survivor-led research can help to ensure that the voices of victims are heard and that reparations efforts are grounded in the real experiences of those who have been affected by historical injustices.
- c) The panel also called for the establishment of national reparations commissions that are transparent, inclusive, and adequately resourced. These commissions should serve as key instruments in the reparations process, ensuring that victims' claims are addressed fairly and efficiently.
- d) The need to leverage transitional justice frameworks was another important recommendation. By embedding reparations within broader social and political reforms, transitional justice can help to create the conditions necessary for lasting peace and stability.
- e) Finally, the panel stressed the importance of strengthening civil society collaboration across countries and regions to ensure sustained momentum in the reparations movement. Civil society plays a vital role in holding governments accountable and advocating for the rights of victims, and greater collaboration between organisations can ensure that reparations remain a top priority on the political agenda.