

From reparative to transformative justice: a Pan-African feminist reimagining of reparations in Africa and the diaspora

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ABSTRACT: The global discourse on reparations for the transatlantic slave trade and colonialism has evolved over a century, culminating in key instruments like the 1993 Abuja Proclamation and the 2023 Accra Declaration. This article offers a pan-African feminist reimagining to address the enduring structural and gendered harms rooted in this history. It argues that existing approaches often fail because they overlook the intersection of race, gender, and class, which produces layered forms of injustice for women and girls of African descent. Drawing on this feminist framework, the paper advocates for an expanded conceptualisation of reparations that prioritises healing justice and structural transformation. This transformative agenda is politically driven by transcontinental solidarity, notably the collaboration between the African Union (AU) and Caribbean Community and Common Market (CARICOM). The article outlines practical strategies for institutionalising this praxis within the AU, demanding macro-level redress such as climate justice, debt cancellation, and legal reforms. It concludes by calling for a framework that shifts from mere compensation to systemic redress, ensuring survivor agency and substantive gender equality are integral to justice.

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TITRE ET RÉSUMÉ EN FRANÇAIS

De la justice réparatrice à la justice transformatrice: une relecture féministe panafricaine des réparations en Afrique et dans la diaspora

RÉSUMÉ: Le discours mondial sur les réparations pour la traite transatlantique des esclaves et le colonialisme a évolué au cours d'un siècle, aboutissant à des instruments clés tels que la Proclamation d'Abuja de 1993 et la Déclaration d'Accra de 2023. Cet article propose une réinterprétation féministe panafricaine pour remédier aux préjudices structurels et sexistes persistants enracinés dans cette histoire. Il soutient que les approches existantes échouent souvent parce qu'elles négligent l'intersection entre la race, le genre et la classe sociale, qui produit des formes multiples d'injustice pour les femmes et les filles d'ascendance africaine. S'appuyant sur ce cadre féministe, l'article préconise une conceptualisation élargie des réparations qui donne la priorité à la justice réparatrice et à la transformation structurelle. Ce programme transformateur est politiquement motivé par la solidarité transcontinentale, notamment la collaboration entre l'Union africaine (UA) et la Communauté et le Marché commun des Caraïbes (CARICOM). L'article présente des stratégies pratiques pour institutionnaliser cette pratique au sein de l'UA, en exigeant des réparations à l'échelle macroéconomique telles que la justice climatique, l'annulation de la dette et des réformes juridiques. Il conclut en appelant à la mise en place d'un cadre qui passe d'une simple compensation à une réparation systémique, garantissant que l'autonomie des survivantes et l'égalité réelle entre les sexes font partie intégrante de la justice.

TÍTULO E RESUMO EM PORTUGUÊS

Da justiça retributiva à justiça transformadora: Uma reinvenção feminista pan-africana das reparações em África e na diáspora

RESUMO: O discurso global sobre reparações pelo tráfico transatlântico de escravos e pelo colonialismo evoluiu ao longo de um século, culminando em instrumentos fundamentais como a Proclamação de Abuja de 1993 e a Declaração de Acra de 2023. Este artigo oferece uma reimaginação feminista pan-africana para abordar os danos estruturais e de gênero duradouros enraizados nesta história. Argumenta que as abordagens existentes muitas vezes falham porque ignoram a intersecção de raça, de gênero e de classe, o que produz formas complexas de injustiça para mulheres e meninas Africanas ou Afrodescendentes. Com base nesta estrutura feminista, o artigo defende uma conceptualização ampliada de reparações que priorize a justiça reparativa e a transformação estrutural. Esta agenda transformadora é impulsionada politicamente pela solidariedade transcontinental, notadamente a colaboração entre a União Africana (UA) e a Comunidade e Mercado Comum do Caribe (CARICOM). O artigo descreve estratégias e práticas para institucionalizar esta prática dentro da UA, exigindo reparações a nível macro, tais como justiça climática, cancelamento das dívidas e reformas legislativas. Conclui apelando a um quadro que passe da mera compensação para a reparação sistémica, garantindo que a agência das sobreviventes e a igualdade de gênero substantiva sejam parte integrante da justiça.

KEY WORDS: Pan-African feminism; transformative justice; gendered harms; transcontinental solidarity; intersectionality; Africa; Caribbean; women of African descent

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1 INTRODUCTION

Reparations have become a central demand in movements seeking justice for communities historically harmed by colonialism, slavery, systemic racism, and oppression. Within this broad struggle, the unique experiences of women and girls of African descent have often been marginalised. These women carry a dual burden, harmed both because of their race and because of their gender.¹ From enslavement to post-independence regimes, African women and women of African descent have faced sexual violence, economic disinheritance, political silencing, and systemic exclusion. Yet their stories have often remained invisible in legal and policy processes addressing reparatory justice.²

The entitlement to reparation is a fundamental and firmly established human right, guaranteed by both global and regional human rights agreements.³ The reparations discourse, particularly as it has evolved in international human rights law and transitional justice, has historically overlooked the gendered aspects of harm. Reparations programmes are often blind to the ways in which patriarchal systems interact with colonial and racial injustice to shape women's experiences. As a result, women are frequently excluded from the design and implementation of reparations, or they receive inadequate remedies that fail to acknowledge their specific suffering or structural marginalisation.

Exploring further, the historical ties between Africa and the Caribbean facilitate a valuable exchange of knowledge among nations of the Global South. This connection offers a space for shared strategies, recognition of interconnected struggles, and collective healing processes. Consequently, reparations involve not only comprehending the past and acknowledging the pain caused, but also actively working towards the reinstatement of justice.

This article employs a doctrinal legal approach to analyse the foundational human rights instruments, regional treaties, and the African Union (AU) declarations concerning reparations. This legal analysis is complemented by a critical theoretical framework rooted in

1 E Bouilly, O Rillon & H Cross 'Africana women's struggles in a gender perspective' (2016) 43(149) *Review of African Political Economy* 338-349.

2 United Nations Office of the High Commissioner for Human Rights (OHCHR) 'Women and Girls of African Descent: Human rights achievements and challenges' (2023) <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/WomenAndGirlsAfricanDescent.pdf> (accessed 23 May 2025).

3 See *The Prosecutor v Thomas Lubanga Dyilo*, No. ICC-01/04-01/06, 7 August 2012.

Pan-African feminism and intersectionality. The methodology combines the rigorous analysis of legal norms with a decolonial and gendered critique, allowing the study to move beyond formal legal compliance to address systemic harms and propose actionable transformative praxis. The combination of these approaches ensures that the analysis is both legally grounded and contextually relevant to the specific experiences of African women and women of African descent.

Consequently, this article seeks to centre the voices and experiences of African women and girls of African descent in reparatory justice conversations. It does so by employing a gendered and intersectional lens, one that recognises how race, gender, class, and colonial history intersect to produce layered forms of injustice. As Nabaneh described:⁴

While the term 'women of African Descent' may not encompass all individuals who identify as 'African,' it is used here to refer to a social group with a shared history of profound injustice, such as slavery, colonialism, and systemic racism.

This centring, therefore, enables a more comprehensive and inclusive framework for designing truly transformative reparations. Thus, the article advocates for a transformative approach to reparations that is dual-focused as it not only provides traditional compensation to victims but fundamentally aims to dismantle the underlying systems of oppression that necessitated the reparations in the first place.

The global discourse on reparations for the transatlantic slave trade and colonial harms has evolved over more than a century, shaped by three main schools of thought: the underdevelopment of Africa paradigm, political economy analyses, and human rights and criminal justice frameworks.⁵ Together, these perspectives provide a comprehensive understanding of the racial, class, socio-economic, and legal dimensions of historical injustices and their ongoing impact on African societies and the diaspora. Building on this foundation, the Organisation for African Unity (OAU) convened the first pan-African conference on reparations in 1993, where African states collectively adopted the 1993 Abuja Proclamation.⁶ This declaration was the first continental attempt to frame slavery and colonialism as crimes against humanity and called for the moral debt owed to Africa by former colonial powers.⁷ However, institutional challenges culminating in the

4 S Nabaneh 'Women of African descent, intersectionality and human rights' in AC Budabin, J Metcalfe & S Pandey (eds) *Minority women, rights and intersectionality: agency, power, and participation* (2026) 73.

5 JA Mavedzenge 'Towards a framework of reparatory measures for the enslavement and colonisation of the African people' (2024) 24 *African Human Rights Law Journal* 395-42.

6 Organisation of African Unity 'A declaration of the first Abuja Pan-African Conference on Reparations for African Enslavement, Colonisation and Neo-Colonisation' (1993), <https://africanlii.org/akn/aa-au/doc/declaration/1993-04-29/the-abuja-proclamation-a-declaration-of-the-first-abuja-pan-african-conference-on-reparations-for-african-enslavement-colonization-and-neo-colonization-sponsored-by-the-organization-of-african-unity-and-its-reparations-commission-april-27-29-1993-abuja-nigeria/eng@1993-04-29> (accessed 10 May 2025).

7 As above.

disbandment of the OAU in 2002 stalled the reparations agenda within African regional human rights bodies.

Despite this setback, the reparations imperative for the African continent was revived during the United Nations (UN) World Conference Against Racism, Racial Discrimination, which culminated in the 2001 Durban Declaration and Programme of Action, condemning slavery and colonialism and reaffirming the need for reparatory justice.⁸ In its effort to revitalise Africa's long-standing commitment to reparations, the African Union (AU) convened the Accra Reparations Conference and adopted the 2023 Accra Proclamation on Reparations.⁹ The AU's 2025 theme 'Justice for Africans and People of African Descent'¹⁰ coincides with the UN's Second International Decade for People of African Descent.¹¹ While progressive, both the UN and AU instruments do not explicitly address the gendered harms of the slave trade and coloniality on African women. This article offers a pan-African feminist reimagining of reparations that expands the conceptual framework and trans-continental agenda by centring the gendered harms endured by African women and women of African descent. This approach is necessary to move beyond standard reparations and is elaborated in the following conceptual framework (section 2), which grounds justice efforts in an intersectional analysis of historical and contemporary oppressions.

Subsequently, it analyses the historical and enduring harms, detailing the distinct manifestations of racial and gendered oppression across the Caribbean and the African continent. The paper then outlines a gender-responsive reparative framework before examining transcontinental solidarity and the structural agenda. Finally, it reviews the role of international and regional human rights mechanisms and proposes actionable strategies for institutionalising a pan-African feminist praxis within the AU.

2 CONCEPTUAL FRAMEWORK

Transitional justice under international law affirms the rights to reparations for victims of gross human rights abuses as outlined in the

8 United Nations Department of Public Information 'Report on world conference against racism, racial discrimination, xenophobia and related intolerance' (2002) <https://www.refworld.org/reference/themreport/unga/2002/en/68534> (accessed 16 May 2024).

9 African Union Commission 'Accra proclamation on reparations' 14 November 2023, <https://au.int/en/decisions/accra-proclamation-reparations> (accessed 15 May).

10 African Union 'Concept note on the African Union theme of the year for 2025' July 2024, https://au.int/sites/default/files/newsevents/conceptnotes/44462-CN-CN_2025_Theme_of_the_Year.pdf (accessed 5 April 2025).

11 United Nations 'Second International Decade for People of African Descent' 17 December 2024, <https://webtv.un.org/en/asset/k1p/k1pio19ey4> (accessed 20 May 2025). See also S Nabaneh 'Unfinished business: an analysis of the Permanent Forum on People of African Descent' (2025) 31(1) *Journal of African Policy Studies* 167-188.

UN's Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations.¹² Common reparations mechanisms under transitional justice include truth commissions, financial compensation for individual harms, formal apologies, and guarantees of non-repetition intended as strategies for reconciliation and redress for past injustices.¹³ While these mechanisms are essential, they are often limited in scope and often lack a gendered and intersectional analysis of the unique, long-lasting harms experienced by African women as a result of the transatlantic slave trade and colonialism, as noted by Alvarez, Ndlovu, and Wamai.¹⁴

The South African Truth and Reconciliation Commission (TRC) is frequently cited as a key example of these limitations,¹⁵ even though women constitute 56.5 per cent of those who gave testimonies at the TRC.¹⁶ However, women's experiences of Sexual and Gender Based Violence (SGBV) were classified as domestic issues related to husbands, fathers, or sons, rather than structural violence instituted by the apartheid institutions on women, including obstetric violence, and police brutality, among others.¹⁷ As a result, the TRC and similar mechanisms have been critiqued for failing to capture the full truth of women's experiences and for marginalising the specific harms endured by women under systems of racial and gendered oppression.¹⁸ In contrast, the more recent Gambian Truth, Reconciliation and Reparations Commission (TRRC), established to address the harms of the Jammeh dictatorship, offers a valuable lesson.¹⁹ The TRRC made a deliberate effort to address gendered harms, holding special hearings on SGBV, engaging women's organisations, and recognising that women were targeted because of their gender.

Nevertheless, even in The Gambia, challenges remained, with implementation delays and cultural norms limiting the realisation of gender justice. The Gambian experience illustrates the importance of intentional institutional design while revealing the ongoing obstacles to translating inclusive recommendations into effective structural change. While traditional reparations primarily focus on restitution, aiming to

12 United Nations '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' (2005).

13 As above.

14 GR Alvarez, N Ndlovu & N Wamai 'Reparations: resisting historical and contemporary injustices through decolonial feminism' (2024) Feminist Centre for Racial Justice.

15 Alvarez, Ndlovu & Wamai (n 14) 45.

16 E Lupindo "'The corpse can breastfeed the baby': reproductive death in South Africa's Truth and Reconciliation Commission' (2025) 27 *Culture, Health and Sexuality: An international Journal for Research Intervention and Care* 6. See also N Motsemme "The mute always speak: on women's silences at the Truth and Reconciliation Commission" (2004) 52(5) *Current Sociology* 909-932.

17 Lupindo (n 16) 9-10.

18 B Goldblatt 'Evaluating the gender content of reparations: lessons from South Africa' in R Rubio-Marin (eds) *What happened to the women? gender and reparations for human rights violations* (2006) 48-92.

19 TRRC Act 2017, sec 13. See generally S Nabaneh, A Abebe & G Sowe (eds) *The Gambia in transition: towards a new constitutional order* (2022).

restore victims to a state prior to the violation, the transformative agenda demands reconstruction and transformation that fundamentally alter the social, economic, political, and legal structures that permitted the original harm to occur.

This underscores the need for reparations frameworks that centre a gendered and intersectional lens, ensuring that the intellectual frameworks and lived experiences of African women are recognised and addressed in processes of justice and redress. Accordingly, this paper argues for a pan-African feminist approach as both a concept and praxis that acknowledges women's unique historical and contemporary realities and positions their voices, agency, and knowledge at the heart of reparations projects for the continent.

Pan-African feminism can be broadly understood as both a framework and a political movement informed by African feminist theories, that centres the liberation, experiences, and leadership of African women and women of African descent within the broader struggle against colonialism, racism, and patriarchy.²⁰ It recognises the intersecting oppressions faced by African women and insists that their voices, experiences and rights are essential to Africa's liberation. As noted by Abbas and Mama, a core feature of pan-African feminism is its intersectional analysis, which acknowledges that race, gender, class, and colonial histories are inseparable in understanding the full scope of injustice.²¹ A pan-African feminist framing of reparations is critical in the African context because it foregrounds how colonialism, racism, patriarchy, sexism, ableism and capitalism intersect to produce unique gendered harms, including sexual violence and economic exclusion that traditional reparations frameworks often overlook.²²

Furthermore, African feminist scholars such as Tamale assert that pan-African feminism advances decolonial and culturally grounded approaches aimed at holistic and transformative justice.²³ McFadden expands our understanding of African feminism in the contemporary moment by offering a critical perspective that challenges normative decolonial framings and cautions against the romanticisation of precolonial African societies as inherently egalitarian, noting that the majority of precolonial social systems, particularly in Southern Africa, were marked by gender hierarchies and exclusions.²⁴ Exclusive reliance on decolonial frameworks risks obscuring these complexities and the realities of contemporary struggles.²⁵ Instead, McFadden proposes 'contemporarity'²⁶ as a forward-looking analytical tool that

20 J Ahikire 'African feminism in context: reflections on the legitimisation battles, victories and reversals' (2014) 19 *Feminist Africa* 7.

21 H Abbas & A Mama 'Feminism and pan-Africanism' (2014) 19 *Feminist Africa* 1.

22 Alvarez & others (n 14).

23 S Tamale *Decolonization and afro-feminism* (2020).

24 P McFadden 'Becoming postcolonial: African women changing the meaning of citizenship' (2005) 6 *Meridians* 1.

25 As above.

26 P McFadden notes that 'contemporarity' is about situating yourself in the new possibilities and opportunities that our world is offering us, based on the many struggles that women have engaged in since the dawn of patriarchal time.

acknowledges historical harms without being constrained by them, focusing on the possibilities of freedom that feminist imaginations and praxis can construct in the present and future.²⁷ This perspective aligns with Horn's conception of pan-African feminist praxis as a worldbuilding tool that is concerned with crafting new liberatory worlds. She notes that '*African feminist praxis is a form of ontological design, a mode of worldmaking*'.²⁸ Further, recent developments in feminist theory, including ecofeminism, deepen reparations discourse by framing climate justice as a vital area of redress for African peoples.²⁹

Similarly, Táíwò's constructivist approach to reparations urges a move beyond mere restitution toward reparative justice that reconstructs and transforms societal structures.³⁰ Collectively, these perspectives underscore the expansiveness of a pan-African feminist praxis, its reflexivity, intersectionality, and future orientation grounded in African realities yet continually evolving to meet the demands of justice and liberation. This approach positions pan-African feminist praxis as a worldbuilding tool that integrates historical consciousness with active institution-building and social transformation, ensuring that solutions are relevant to contemporary realities. This distinguishes it from conventional gender frameworks, which often remain binary and limited to gender mainstreaming without addressing structural transformation.

3 HISTORICAL AND ENDURING HARMS: THE INTERSECTION OF RACE AND GENDER

The enduring legacies of slavery and colonialism continue to shape contemporary societies, entrenching deep-rooted anti-Black systems characterised by brutality and systemic oppression.³¹ This history underscores the necessity of a reparations movement that emphasises comprehensive healing and structural rectification, transcending simple monetary compensation.³² Given the historic underestimation of women's contributions and their distinct struggles for identity, a gender-informed approach is required in reparatory justice

27 P McFadden 'Becoming contemporary African feminists: herstories, legacies and the new imperatives (2016) *Feminist Dialogue Series*, <https://library.fes.de/pdf-files/bueros/mosambik/13028.pdf> (accessed 14 April 2025).

28 J Horn 'African Feminist Praxis: Cartographies of Liberatory Worldmaking' (2025) 3-15.

29 As above.

30 O Táíwò *Reconsidering reparations* (2022) 45.

31 J Soomer 'The reparations movement: a ragtag collection of racial malcontents marching to the beat of their own drum? *CARICOM* (2016). See also S Nabaneh and NF Hudson 'Social practice of human rights: Insights on decolonization and development for Africa and people of African descent' (2025) 24(3) *Journal of Human Rights* 313.

32 R Beckford 'The Invisible Black Women'. Christian Aid' (14 November 2022) <https://www.christianaid.org.uk/news/policy/invisibleblack-women> (accessed 15 April 2025).

conversations. The unique demands arising from the legacy of slavery and systemic oppression necessitate specific considerations for women.³³

This need for specific consideration is justified by the historical context, where understanding the particular experiences of women under enslavement is vital, for example, leveraging terms like ‘racial terror’ and ‘gendered terror’³⁴ to describe the organised violence and intimidation tactics, particularly sexual violence and forced reproduction, used by colonial regimes as a method of subjugation.³⁵ The call for reparations is not merely a contemporary reaction to historical atrocities but represents a continuous struggle for liberation and restoration, with demands for justice, redress, and compensation dating back to the time of slavery itself.³⁶ As Araujo highlights, while enslaved and formerly enslaved people may not have used the specific word ‘reparations,’ their fight for justice, expressed through concepts like redress, compensation, and restitution, clearly echoes present-day demands.³⁷

The lasting impact of enslavement is evident in persistent global inequalities. World Bank Group reports indicate that people of African descent remain one of the most persistent segments of the poor in the Americas, being over 2.5 times more likely to live in chronic poverty due to a protracted history of exclusion and contemporary structural discrimination.³⁸ The UN Secretary-General has affirmed that a ‘straight line’ can be drawn from the era of colonial exploitation to the social and economic inequalities visible today in disparities in wealth, income, health, and opportunity.³⁹ As Prime Minister Mia Mottley of Barbados urged, ‘we can no longer ignore the trauma of four centuries of enslavement and barbarism and of denying people their humanity.’⁴⁰

33 S Nabaneh ‘Unfinished business: an analysis of the Permanent Forum on People of African Descent’ (2025) 31(1) *Journal of African Policy Studies* 180.

34 See V Shepherd & A Reid ‘Women, slavery and the reparation movement in the Caribbean’ (2019) 68 (3/4) *Social and Economic Studies* 3159.

35 A Finch ‘“What looks like a revolution”: enslaved women and the gendered terrain of slave insurgencies in Cuba, 1843-1844’ (2014) 26(1) *Journal of Women’s History* 112-34.

36 A Hakim (ed) *Black British history: new perspectives* (2019).

37 AL Araujo ‘Zumbi and the voices of the emergent public memory of slavery and resistance in Brazil’ (2012) 22(2) *Comparativ* 95-111.

38 World Bank Group ‘Afro-descendants in Latin-America; towards a framework of inclusion’ (2018), <https://documents1.worldbank.org/curated/en/896461533724334115/pdf/129298-7-8-2018-17-29-37-AfrodescendantsinLatinAmerica.pdf> (Accessed 07 November 2025).

39 UN ‘Secretary-General’s remarks at the General Assembly event marking the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade: António Guterres’ 27 March 2023 <https://www.un.org/sg/en/content/sg/speeches/2023-03-27/secretary-generals-remarks-the-general-assembly-event-marking-the-international-day-of-remembrance-of-the-victims-of-slavery-and-the-transatlantic-slave-trade> (accessed 31 May 2025).

40 S Shrama ‘Barbados PM says country owed \$4.9tn in reparations’ 7 December 2023 <https://www.independent.co.uk/news/uk/home-news/barbados-mia-mottley-reparations-payment-b2459870.html> (accessed 30 May 2025).

While the foundational harms of slavery and colonialism constitute a shared history across the diaspora and the African continent, the resulting inequalities and the nature of oppression have manifested in distinct ways. Crucially, the distinct manifestations of harm, from colonial land tenure systems in Africa to the concentration of women in informal sectors in the Caribbean, are both traceable to the common root of historical gendered economic disinheritance. The systematic denial of property and capital to women of African descent, rooted in colonial economic patriarchy, created the structural bedrock for contemporary injustices. The following sections explore the multi-layered injustices faced by women of African descent, first examining the complex landscape of achievement, resilience, and pervasive gender-based violence in the Caribbean and Diaspora, and then detailing the enduring structural and economic harms in Africa, including the disproportionate impact of colonial legacies on land ownership and climate vulnerability.

3.1 Gendered harms and resilience in the Caribbean

Women of African descent have been the most oppressed and vulnerable group of women for 500 years; because of the exploitation, because of the building of an identity that was not ours, and a building of a narrative that has kept us discriminated against.⁴¹

Intersections of blackness and womanhood have historically placed women and girls of African descent at the bottom of almost every social development index. Even today, they are among the most marginalised and discriminated against women in the world, and they generally fare worse than Black men of similar educational, socio-economic, and political experiences. There are pockets of exceptions, including for example, in the education space in the Caribbean, where girls over the last 20 years have significantly outperformed boys, particularly in education. The University of the West Indies Open Campus reported that in 2022, for example, of the total number of graduates, 852 were females and 147 were males.⁴²

Women are also progressing in government, judicial, and political appointments. In 2018, 65% of government ministries in The Bahamas were led by female Permanent Secretaries. According to UN Women Caribbean reports, Jamaican women hold a significant 43% share of

41 J Soomer as cited in S Nabaneh 'Soft Launch of the Research Project: 'Looking Back and Reaching Forward - Commemorating the International Decade for People of African Descent and the Human Rights of Women and Girls' University of Dayton Let's Talk Human Rights Blog (12 December 2024) <https://udayton.edu/blogs/udhumanrights/2024/2024-12-13-wad-soft-launch.php> (accessed 10 April 2025).

42 'The UWI Open Campus records its highest number of Male Graduates for the Class of 2022' 26 October 2022, <https://global.uwi.edu/media/news/uwi-open-campus-records-its-highest-number-male-graduates-class-2022> (accessed 31 May 2025).

juridical leadership positions.⁴³ Moreover, 55% of judicial appointments and 78% of magistrate appointments are held by women in Jamaica.⁴⁴ These numbers are similar across most Caribbean countries. Women in the region are also often found in political leadership, following in the footsteps of Black female leaders of the region, such as the Honourable Dame Mary Eugenia Charles, former Prime Minister, Dominica, the Honourable Portia Simpson-Miller, former Prime Minister, Jamaica, and more recently the Honourable Mia Mottley, currently Prime Minister of Barbados, to name a few.

Despite the achievements of Caribbean women in education and employment, structural inequalities persist, particularly in access to generational wealth and economic leadership. While women hold high positions in government and the judiciary, they remain disproportionately concentrated in lower-wage and informal sectors that lack social protection. Concern with intimate partner violence remains, with sexual violence and other forms of GBV remaining prevalent. UN Women reports indicate that 46% of Caribbean women have experienced at least one form of violence.⁴⁵ Ending violence against women remains blocked by persistent discriminatory laws and cultural norms that women themselves often help to perpetuate.

In 2016, the Bahamas voted for the second time against a referendum on gender equality in nationality rights.⁴⁶ The voters, predominantly women, rejected proposed amendments that would have given men and women equal rights to pass on citizenship to their spouses and children. The effort to end discrimination based on sex and enshrine the principle of equality between men and women in the Constitution of the Bahamas was outrightly rejected.⁴⁷ This is significant given the fact that most of the Bahamian population is of African descent. Moreover, women generally constitute a higher proportion of the voter register and are more likely to vote than men. A 2012 report of the Organisation of the American States (OAS) noted that out of 172, 128 voters registered for elections that year, there were

43 See generally, <https://caribbean.unwomen.org/en/caribbean-gender-portal/jamaica> (accessed 31 May 2025).

44 As above.

45 UN Women '16 Days of Activism: "#PushForward: Invest to End Violence Against Women and Girls"' 2 December 2024, <https://caribbean.unwomen.org/en/stories/news/2024/12/16-days-of-activism-pushforward-invest-to-end-violence-against-women-and-girls#:~:text=Violence%20Against%20Women%20in%20the%20Caribbean&text=Globally%2C%201%20in%203%20women,least%201%20of%20of%20violence> (accessed 30 May 2025).

46 UN General Assembly, 'National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Bahamas' A/HRC/WG.6/29/BHS/1 (18 December 2017) para 23. See also Report of the Constitutional Commission into a Review of The Bahamas Constitution (2013) 32. <https://cdn.bahamas.gov.bs/tenant/tenantgotb/documents/All%20Documents/ConstitutionCommissionReport20138JULY2013-20240119174548.pdf> (accessed 11 April 2025).

47 As above.

18,574 more women than men registered, 10 per cent more women than men.⁴⁸ This trend is observed across Caribbean countries.

While the incidents of violence, including sexual violence, against women and girls in the Caribbean reach across racial and socio-economic lines, the situation is particularly concerning for women of African descent, who make up the majority of the Caribbean female population, especially those living in poverty. This entrenched economic marginalisation is the structural bedrock upon which the pervasive violence against women remains prevalent. Understanding the multiple and intersecting forms of discrimination is essential to combatting the interwoven prejudices and discrimination that women of African descent face in their daily lives.⁴⁹ There is a need for a more intersectional approach that highlights blackness and womanhood, which is directly linked to historical inequalities that linger even today. The systematic approach of dehumanisation of Black women was overly present during enslavement, where they were expected to work equally long hours as men, were equally punished or whipped for not producing their quotas, also faced hunger, no education, and inadequate health care. But what was unique for women and girls was the reality of sexual violence (rape and forced impregnation by the colonial masters, as well as other enslaved men).

This was perhaps most evident at the end of the trade in enslaved persons. In 1807, the British ended the trade through the British Abolition Act of 1807 before they ended slavery.⁵⁰ Elements of emancipation came in 1834 when enslavement was finally abolished in 1838.⁵¹ To ensure that they always had enslaved persons to build their economies and build their wealth at the end of the trade in 1807, colonial enslavers had to rely on natural reproduction and the birth rate of the existing enslaved population to a greater extent than before.⁵² Increased numbers of pregnancies were encouraged with the introduction of 'amelioration policies', which were designed to encourage reproduction, increase birth-rates, and ensure the survival of enslaved children.

As enslaved women were legally considered chattel, they had few legal protections against their owners, to prohibit forced impregnation, sexual exploitation, and violence. Indeed, these acts were often seen as necessary tools for enslavers to maintain power and control rather than as criminal offenses against the victims. Enslaved women who experienced non-consensual sexual encounters with white enslavers

48 Organisation of the American States 'Electoral observational mission final report: General elections of Bahamas 2012' (2012) 18 https://www.oas.org/es/sap/deco/moe_informe/bahamas2012.pdf (accessed 20 April 2025).

49 Nabaneh (n 9).

50 M Sherwood 'Britain, the slave trade and slavery, 1808-1843' (2004) 46(2) *Race & Class* 54-77.

51 See generally PX Scanlan 'Slaves and peasants in the era of emancipation' (2020) 59(3) *Journal of British Studies*, 495-520.

52 K Paugh *The politics of reproduction: Race, medicine, and fertility in the age of abolition* (2017) 11; See also H Beckles *Centering Woman: Gender Discourses in Caribbean Slave Society* (1999).

had little to no legal recourse, as the legal framework offered no recognition of their consent or bodily autonomy, given their status as slaves.

Violence against women was a pervasive element of the master-slave relationship all the way through to 1838. Indeed, sexual violence, rape, assault, exploitation, harassment and forced impregnation were a part of the everyday life of enslaved women and girls.⁵³ This sexual violence continues to be a part of the lived experiences of women in the Caribbean, particularly women of African descent.⁵⁴ The widespread nature of violence against women across the Caribbean has been documented in recent reports from key organisations, including the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank.⁵⁵ According to these reports, three of the top ten recorded rape rates in the world occur in the Caribbean.⁵⁶ While the worldwide average for rape was 15 per 100,000, The Bahamas had an average of 133, St. Vincent and the Grenadines 112, Jamaica 51, Dominica 34, Barbados 25 and Trinidad and Tobago 18.⁵⁷ A survey cited in the report found that nearly half (48%) of adolescent girls in nine Caribbean countries reported that their first sexual experience was either 'forced' or 'somewhat forced'.⁵⁸ The United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, along with the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, jointly conducted a study visit to four English-speaking Caribbean countries in 2015.⁵⁹ In her report, the Special Rapporteur noted that many interlocutors had described violence against women and girls as normalised, widespread, and of pandemic proportions, and underreported. Some of the manifestations referred to within the home, community, workplace, and in state institutions included psychological, physical, sexual, economic, and institutional violence.⁶⁰ The issue of a rise in the prevalence of gender-related killings, seen as

53 B Brereton 'The historical background to the culture of violence in Trinidad and Tobago' (2010) 4 *Caribbean Review of Gender Studies* 5.

54 A Jones and others 'The commercial sexual exploitation of children and adolescents: Issues for the Caribbean' (2008) Research Report. UNICEF (unpublished) https://eprints.hud.ac.uk/id/eprint/9628/1/The_Sexual_Exploitation_of_Children_and_Adolescents_-_Issues_for_the_Caribbean_Sep_08_%283%29.pdf (accessed 16 December 2025)

55 UNODC 'Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean' (2007) https://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf (accessed 5 May 2025).

56 As above, 11.

57 As above.

58 L Halcon and others 'A portrait of adolescent health in the Caribbean' (2003) 93(11) *American Journal of Public Health* 1851-1857.

59 Caribbean study visit report by Rashida Manjoo (former) United Nations Special rapporteur on violence against women (5 January 2019) <https://www.undp.org/latin-america/publications/caribbean-study-visit-report-rashida-manjoo-former-united-nations-special-rapporteur-violence-against-women> (accessed 15 April 2025).

60 As above, 13-15.

the ultimate act in a continuum of violence, was also highlighted as a key concern for women across the region.⁶¹

3.2 Enduring gendered harms of the Atlantic slave trade and colonialism on African women

While it is widely acknowledged that the transatlantic slave trade and colonialism fundamentally reshaped the social, political, and economic landscapes of African societies, feminist scholars emphasise that these processes were not gender neutral.⁶² Instead, they were marked by coordinated and enduring harms specifically targeting African women, embedding gendered violence and oppression within colonial and slave trade systems.⁶³ The transatlantic slave trade and colonial rule imposed a triple burden of oppression on African women, characterised by the intersection of racial, gendered, and class-based oppression.⁶⁴ Women were subjected to pervasive sexual violence and exploitation. Their bodies were commodified both for labour and reproduction, with sexual violence strategically employed as a tool of control and dehumanisation.⁶⁵ This institutionalisation and normalisation of violence against women led to its embeddedness within societal norms. Scholars such as Gqola have critically linked the pervasive problem of sexual violence in contemporary South Africa to this colonial legacy, arguing that rape is not accidental but a continuation of historical patterns of domination and control over women's bodies.⁶⁶ Across many African societies today, gender-based violence remains a persistent and systemic issue, reflecting the unresolved traumas and legacies of colonial violence on women's bodies.

Colonial powers also imposed economic paradigms rooted in capitalist modes of production that relied heavily on resource extraction, which fundamentally affected the development of African economies till today, more explicitly setting a negative trajectory for women's economic status in African societies.⁶⁷ Colonial policies alongside the post-independence African economic landscape systematically marginalised African women by confining them to informal and care work sectors while simultaneously denying them access to land, capital, and formal employment opportunities.⁶⁸ These exclusions entrenched economic disparities that persist today,

61 As above, 11-13.

62 FJS Saungweme 'A critique of Africa's post-colonial freedoms through a feminist lens: challenging patriarchy and assessing the gains' (2021) Heinrich Böll Stiftung, <https://za.boell.org/en/2021/07/07/critique-africas-post-colonial-freedom-through-feminist-lens-challenging-patriarchy#:~:text=As%20a%20result%2C%20women%20lost%20the%20status%2C,role%20of%20most%20women%20in%20African%20societies> (accessed 15 April 2025).

63 As above.

64 Alvarez & others (n 14).

65 As above.

66 PD Gqola *Rape: a South African nightmare* (2015).

67 A Munyai 'African renaissance: effects of colonialism on Africa's natural resources and the right to development' (2020) 45 *Journal for Juridical Science* 1-27.

68 McFadden (n 24) 2.

manifesting in low workforce participation in formal sectors for African women, persistent gender pay gaps, and limited access to entrepreneurial financing and land ownership.⁶⁹ The African continent's economic growth remains slower than the global average, as the World Bank projected a 3.8% growth for 2025.⁷⁰ Further, the workforce participation among African women stands at 56.7%, significantly below the global average of 63.7%, reflecting structural inequalities which can be linked to colonial legacies.⁷¹ Feminist economists such as Sibeko attribute this slow growth partly to the macroeconomic effects of high public debt and austerity measures, which disproportionately impact African women.⁷² These disparities are not incidental but rather a direct consequence of colonialism's economic and legal frameworks.

The extractive logics of the colonial era, including the Industrial Revolution and its emissions legacy, have profoundly shaped Africa's environmental and climate vulnerabilities.⁷³ The Industrial Revolution, powered by coal and fueled by raw materials, extracted natural resources from colonies, including Africa, which marked the start of large-scale fossil fuel emissions.⁷⁴ Industrialised nations in Europe and North America have since accounted for over 60% of cumulative carbon emissions, while Africa's contribution remains around 3%.⁷⁵ Yet, Africa remains most affected by the climate crisis, with African women bearing a disproportionate brunt due to enduring colonial land policies.⁷⁶ Colonial ownership laws dispossessed many African women of land and resources, severely limiting their ability to adapt to environmental changes. In Kenya and Zimbabwe, for instance, colonial land tenure systems displaced local populations from fertile land, concentrating them in less productive areas and deepening socio-economic hardships.⁷⁷ Currently, African women, who are the majority producers of the continent's agricultural produce, face increased risks

69 United Nations Women 'Why women earn less: gender pay gap and labour market inequalities in east and southern Africa' (2023), <https://africa.unwomen.org/en/digital-library/publications/2023/10/why-women-earn-less-gender-pay-gap-and-labour-market-inequalities-in-east-and-southern-africa#:~:text=This%20study%20sheds%20light%20on,to%20advocate%20for%20gender%20equality> (accessed 20 April 2025).

70 World Bank Group 'The World Bank in Africa' (2024), <https://www.worldbank.org/en/region/afr> (accessed 10 April 2025).

71 World Bank 'Profiting from parity: unlocking the potential of women's businesses in Africa' (2024), <https://openknowledge.worldbank.org/server/api/core/bitstreams/fc71f257-f7c7-5c22-b0e2-8809955bb650/content> (accessed 10 April 2025).

72 B Sibeko 'A feminist approach to debt' (2022) Nawi Afrifem Macroeconomics Collective.

73 K Dirk 'The impact of the industrialized nation's CO2 emissions on climate change in Sub-Saharan Africa: Case studies from South Africa, Nigeria and the DR Congo' (2024) GIGA Institute for African Affairs, https://mpira.ub.uni-muenchen.de/120210/2/MPRA_paper_120210.pdf (accessed 30 April 2025).

74 As above.

75 As above.

76 Institute for Security Studies 'African women bear the brunt of climate change' (2023), <https://issafrica.org/pscreport/psc-insights/african-women-bear-the-brunt-of-climate-chang> (accessed 20 May 2025).

from climate disasters but remain largely excluded from decision-making and access to adaptation resources, a reality rooted in these historical patterns of dispossession.⁷⁸

Furthermore, the gender-based violence vulnerabilities associated with climate mobility disproportionately affect African women.⁷⁹ Climate change and extreme weather events have been shown to increase incidences of gender based violence, particularly among displaced and migrating women, who face heightened risks of exploitation, abuse, and exclusion from support systems.⁸⁰ This underscores the intersecting and enduring impacts of the transatlantic slave trade and colonialism on the lives of African women, as historical patterns of dispossession and marginalisation continue to shape their contemporary vulnerabilities.

4 A PAN-AFRICAN FEMINIST APPROACH: INTEGRATING GENDER RESPONSIVENESS, HEALING JUSTICE AND INTERSECTIONALITY

The concept of reparatory justice is rooted in the principle that those who have suffered harm, particularly systemic and state-sponsored harm, are entitled to redress. International law has developed standards for reparations, particularly through the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation.⁸¹ These include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. The purpose of reparations is twofold: to compel states to uphold specific legal and normative standards and to redress, to the greatest extent possible, the damages caused by a state's failure to meet these standards. Fundamentally, reparations should aim to eliminate all repercussions of the unlawful act.

A key focus of reparations is the acknowledgment of the pain, suffering, and trauma endured by those whose human rights have been violated. These can include public apologies, commemorative initiatives, and measures to ensure the accurate recounting and remembrance of events. Symbolic reparations are particularly significant for reinstating victims' dignity. However, in practice, reparations have often failed to address the lived realities of women.

77 EO Onyango & SJ Elliot 'Traversing the geographies of displacement, livelihoods, and embodied health and wellbeing of senior women in Kenya' (2022) 3 *Wellbeing and Space in Society* 1-7.

78 Institute for Security Studies (n 76).

79 As above.

80 As above.

81 UN General Assembly '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,' resolution adopted by the General Assembly, A/RES/60/147 (21 March 2006).

A transformative framework must prioritise three key dimensions:

4.1 Gender-responsive principles and policy foundations

Gender-responsive reparations seek to address the historical oversight and marginalisation of women and girls in reparation programmes by explicitly recognising and responding to the unique and intersectional harms they experience. Unlike traditional reparations frameworks that often treat victims as a homogenous group, a gender-responsive approach acknowledges that women and girls are disproportionately affected by violence, discrimination, and structural inequalities, both during and after periods of conflict, authoritarian rule, and systemic oppression. These harms are not only physical or economic but also social, psychological, and symbolic, shaped by patriarchal structures that condition how women's suffering is perceived and addressed.

The 2007 Nairobi Declaration emanated from earlier AU reparations consultations with WROs on the continent and was instrumental in laying the groundwork for exploring reparations from a gendered perspective, yet it is often omitted from reparations conversations.⁸² The Nairobi Declaration outlines gender sensitive reparations, frames reparations for sexual violence, and calls for the full participation of women in designing and implementing reparative measures, ensuring that women's lived experiences and needs remain central to justice and transformation efforts.⁸³

Merely including women as recipients of reparations is insufficient. Gender-responsive reparations demand a deeper interrogation of the specific forms of harm that women and girls endure, including sexual and gender-based violence (SGBV), exclusion from education and property ownership, stigmatisation due to conflict-related pregnancy, and systemic underrepresentation in public decision-making. These harms are often underreported or dismissed in transitional justice processes because of stigma, cultural taboos, and the undervaluation of violations perceived as affecting the private or domestic sphere. As scholars and human rights practitioners have observed, reparation measures must therefore be designed in consultation with affected women, reflect their lived experiences, and seek not only to redress past abuses but also to transform the conditions that enabled those abuses in the first place.⁸⁴

82 Nairobi Declaration Women's and Girls Right to a Remedy and Reparation (2007), https://www.fidh.org/IMG/pdf/NAIROBI_DECLARATIONeng.pdf (accessed 30 April 2025).

83 As above.

84 R Rubio-Marín 'What Happened to the Women? Gender and Reparations for Human Rights Violations' Social Science Research Council (2006) 25-31.

4.2 Healing justice and non-material redress

Gender-responsive reparations must incorporate healing justice, which functions as a holistic framework and praxis for redress that extends beyond material compensation. This praxis demands the inclusion of non-material dimensions such as memorialisation, truth-telling, apologies, community healing, and institutional reform, which are essential components of a holistic reparatory framework. These measures acknowledge the collective dimension of women's suffering and contribute to restoring dignity and recognition to survivors and their communities. For example, memorials that commemorate women's resistance during conflict or public ceremonies acknowledging past state-perpetrated SGBV can challenge prevailing narratives that erase women's agency.

Crucially, healing justice is more expansive than generic collective healing. It links individual and community well-being directly to systemic change, ensuring that reparations facilitate truth telling, restorative justice, and culturally grounded healing processes that restore dignity and rebuild social cohesion. African contexts have integrated traditional justice mechanisms alongside formal reparations to address gender-based violence and communal trauma. For example, Kenyan communities have integrated *Utu*, a practice aimed at facilitating communal healing that goes beyond the survivor and offender frameworks, as noted by Alvarez et al.⁸⁵ Similarly, institutional reforms such as training law enforcement officials on gender-based violence, reforming discriminatory laws, and establishing dedicated reparations funds for female survivors serve both reparative and preventative functions.⁸⁶

4.3 Intersectionality and structural equality

While the language used to discuss reparations is varied, it frequently does not fully capture the unique and profound experiences of Black women, who faced oppression based on both their race and their gender. Their history, characterised by systemic violence, marginalisation, and the persistent denial of their gender, necessitates a specific focus within any framework for repair. Their narratives, which also demonstrate resistance and resilience, require recognition that goes beyond standard terms of reparation. For reparative actions to be truly meaningful, they must adopt an intersectional lens that considers the multiple layers of identity and oppression. By integrating discussions of both race and gender, this approach calls for reparative measures as complex as the harm inflicted. It underscores the urgent need for cultural, economic, psychological, and, significantly, gender-specific forms of redress.

85 Alvarez & others (n 14).

86 P De Greiff (ed) *The handbook of reparations* (2006) 447-472.

Ultimately, gender-responsive reparations should aim to promote substantive gender equality, not simply formal parity. This means addressing the root causes of women's marginalisation and ensuring that reparations contribute to structural transformation. As the Office of the UN High Commissioner for Human Rights notes, achieving meaningful redress for women and girls of African descent requires a comprehensive approach that integrates equality, non-discrimination, and justice into every aspect of the reparations process⁸⁷. Intersectionality is essential in this context. A woman's experience of harm cannot be separated from her racial identity, socio-economic position, or political role. Reparatory justice that fails to account for these layers is likely to reinforce existing inequalities. Therefore, confronting these layered injustices demands a unified political response rooted in transcontinental solidarity to achieve macro-level structural change.

5 A TRANSCONTINENTAL SOLIDARITY AND THE STRUCTURAL AGENDA

The claim for reparations is part of an ongoing post-independence struggle for liberation for Africans and people of African descent across the diaspora.⁸⁸ Transnational solidarity between Africa and the Caribbean dates back to the 1960s, where leaders like KwameNkrumah of Ghana and Arthur Lewis of the Caribbean emphasised the necessity of a shared struggle for liberation and liberation for all African people across the world.⁸⁹ Current macro demands for reparations including debt cancellations, climate justice, and economic sovereignty, require a concerted effort among states and communities bound by shared histories and legacies of slavery, colonialism, racial and gendered violence, as envisioned by our forebearers.⁹⁰ The AU and Caribbean Community (CARICOM) exemplify the importance of transcontinental solidarity, through leveraging political will, historical consciousness, and cultural connections to amplify and advance a diasporic reparations advocacy agenda in partnership in the international arena.⁹¹ This section discusses the critical role of transcontinental solidarity within the broader reparations advocacy ecosystem, highlights notable milestones in the Africa-CARICOM partnership and underscores the need to integrate pan-African feminist perspectives to address the persisting muting of gender imperatives within the existing transcontinental frameworks.

87 United Nations Office of the High Commissioner for Human Rights, Women and Girls of African Descent: Rights to Equality and Non-Discrimination (2023) <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/WomenAndGirlsAfricanDescent.pdf> (accessed 15 April 2025).

88 Mavedzenge (n 5).

89 C Eugene, TD Jules & T Indrarajah 'An African Union - Caribbean community alliance in the global reparations movement: Promises, perils and pitfalls' (2024) 113(1) *The Round Table* 29-42.

90 As above.

91 AU (n 14).

5.1 CARICOM as a strategic ally of choice for the AU

The CARICOM is a notable strategic ally of choice for the AU, grounded not only in the shared historical experiences with slavery, colonialism, racial and gendered injustices, but also in enduring traditions of radical resistance within the Caribbean.⁹² Various actors, including states, political organisations, and community-based movements, continue to actively organise and advocate for reparations.⁹³ For example, Haiti, as the first recognised independent Black nation in the Western Hemisphere, launched a campaign in 2004 demanding reparations from France. This act of defiance served as a significant catalyst that led to the formation of the CARICOM Reparations Framework.⁹⁴ Established through the creation of a CARICOM Reparations Commission (CRC) and adopted by heads of government in 2013, the CARICOM Reparations Framework is a regional initiative designed to pursue reparatory justice for indigenous and African descendant populations of the Caribbean who are victims of crimes against humanity.⁹⁵ The framework mandates the preparation of a moral and legal case to demand reparations from former colonial governments. It not only addresses lingering effects of formal colonialism but also seeks to address interconnected contemporary socio-economic issues and health disparities, including the pervasive violence against women and girls, economic precarity, mental health, and widespread noncommunicable diseases exacerbated by climate change, which can all be traced back to slavery and colonial legacies. This holistic approach to reparations is exemplified by the CARICOM Ten Point Plan, which prioritises critical areas such as health, education, and psychological rehabilitation as fundamental components of reparations demands.⁹⁶

CARICOM has set an important precedent in the international claims for reparations for Africans in the diaspora by leveraging a multifaceted regional strategy that combines legal and moral appeals, drawing from international law and human rights instruments.⁹⁷ Most notably, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and political advocacy. CARICOM's formal claims for reparations against multiple European states, including the UK, France, Netherlands, Spain and Portugal, challenge

92 African Union 'The 2nd Africa- CARICOM summit: building bridges and from the Caribbean to Africa' (2025), https://au.int/sites/default/files/pressreleases/45329-pr-PR-_THE_2ND_AFRICA-CARICOM_SUMMIT.pdf (accessed 6 November 2025).

93 P Cullors 'Abolition and reparations: histories of resistance, transformative justice, and accountability' (2018) 132 *Harvard Law Review* 1684-1694.

94 As above.

95 Caricom Reparations Commission '10 Point Plan', <https://caricomreparations.org/caricom/caricoms-10-point-reparation-plan/> (accessed 6 November 2025).

96 As above.

97 Eugene and others (n 94) 33. See also H Beckles *Britain's black debt: reparations for Caribbean slavery and for native genocide* (2013) 6.

the limited symbolic gestures such as apologies, which are preferred by former colonial powers and push for reparatory justice rooted in guarantees of non-repetition, truth telling, substantive structural shifts that transform power and dismantle enduring forms of coloniality.⁹⁸ Furthermore, CARICOM's persistent engagement with global human rights institutions has successfully advanced the reparations agenda, which has resulted in the establishment of a High-Level Political Forum on Reparations within the UN.⁹⁹ While pursuing the legal claims in the International Criminal Court of Justice (ICC) poses juristic challenges for CARICOM at this juncture, its dedication to preparing for potential judicial claims underscores its determination to leverage international law as a platform to hold former colonial states accountable.

For the AU, the CARICOM's Reparations Framework is significant because it embodies a practical and strategic regional model of reparatory justice advocacy that aligns with and complements the AU's aspirations for a continent-wide, African-led agenda.¹⁰⁰ As noted by Figueroa-Vásquez, the CARICOM demands originate from historical and political injustices, establishing principles that hold relevance in other post-colonial settings.¹⁰¹ This transcontinental solidarity has been concretely formalised, including the signing of a Memorandum of Understanding (MOU) between the two organisations in 2024 for enhanced cooperation.¹⁰² Building on earlier collaboration such as the July 2023 meeting in Bridgetown, Barbados, where AU, CARICOM, and University of the West Indies (UWI) representatives formed a formal reparations coalition, and the November 2023 follow-up conference in Accra, Ghana, which drew support from Latin American political leaders, the partnership continues to deepen.¹⁰³ The 2nd Africa-CARICOM Summit brought together African nations, Caribbean states, and the global African diaspora under the theme 'Transcontinental Partnership in Pursuit of Reparatory Justice for Africans and People of African Descent through Reparations'.¹⁰⁴

98 See generally A Buser 'Colonial injustices and the law of state responsibility: The CARICOM claim for reparations' (2016) 2 (4) *Heidelberg Journal of International Law* 409-446.

99 Africa Dialogue Series 'Building the future: healing and reparations towards socio-economic justice for Africans and people of African descent' (2025), https://www.un.org/osaa/sites/www.un.org.osaa/files/sub-theme_3_-_policy_brief_final_draft.pdf#:~:text=CAR%2D%20ICOM%20Heads%20of%20Government%20have%20called,African%20Union%20to%20co%2Dsponsor%20a%20UN%20resolution (accessed 8 November 2025).

100 As above 32.

101 YC Figueroa-Vásquez *Decolonizing diasporas: radical mappings of Afro-Atlantic literature* (2020).

102 CARICOM 'CARICOM, African Union sign MOU for closer cooperation' (4 October 2024) <https://caricom.org/caricom-african-union-sign-mou-for-closer-cooperation/> (accessed 16 December 2025).

103 Eugene and others (n 94) 29-30.

104 AU 'The 2ND Africa-CARICOM SUMMIT- Building Bridges from the Caribbean to Africa' (8 September 2025) <https://au.int/en/pressreleases/20250908/2nd-africa-caricom-summit-building-bridges-caribbean-africa> (accessed 16 December 2025).

Thus, the transcontinental solidarity between the AU and CARICOM represents a radical confrontation with entrenched power structures. It centres not merely on the redistribution of wealth nor on preoccupations with apologies but seeks a structural configuration of power that fundamentally restores lands, cancels illegitimate debt, and reclaims economic sovereignty by restructuring the mechanisms of power that perpetuate systemic oppression and exploitation.

5.2 Where are the women? addressing the muting of gender in transcontinental agendas

Despite the compelling synergies between Africa's and the Caribbean reparations agendas at the continental level, there remains a striking silence regarding reparations demands that explicitly address women and other marginalised identities. Beckford critically observes that within prevailing reparations frameworks, gender considerations are largely absent or muted.¹⁰⁵ This gender-neutral approach invisibilises crucial issues such as the pervasive SGBV both in the Caribbean and Africa, SRHR, discriminatory legislation, and the normalisation of trauma resulting from sexual violence and exploitation. Consequently, the failure to explicitly acknowledge gendered harms undermines the efficacy of reparatory justice processes as witnessed in South Africa's TRC case.¹⁰⁶ This underscores the significance of transcontinental solidarity between WROs and feminist movements alongside the government-to-government partnerships to amplify advocacy for gender responsive reparations.

A decade after the initial drafting of the CARICOM's Ten Point Plan, the CRC is now undertaking a substantial revision of the framework. This process is a response to the growing demands for the inclusion of a gender lens in the Plan.¹⁰⁷ This necessitates a robust resuscitation of transcontinental solidarity between African and Caribbean feminist movements that share resistance histories dating back to the Ethiopian Solidarity Campaign in the 1930s, where Caribbean women supported African liberation struggles through political organising and advocacy, laying a foundation for pan-African feminist consciousness.¹⁰⁸ More recently, collaborations between African women's funds, such as the African Women's Development Fund (AWDF), and Caribbean feminist organisations, such as the Caribbean Association for Feminist Research and Action (CAFRA), have revived this diasporic connection. The

105 R Beckford 'Gender, reparations and a retroactive social contract: the invisible Black woman' (2022), <https://www.christianaid.org.uk/news/policy/invisible-black-women> (accessed 7 November 2025).

106 Rubin-Marin (n 66).

107 'Gender, reparations and revising the CARICOM Ten-Point Plan' Repair Campaign (28 November 2023) <https://repaircampaign.org/uncategorized/gender-reparations-and-revising-the-caricom-ten-point-plan/> (accessed 16 December 2025).

108 See CB Davies 'Pan-Africanism, transnational black feminism and the limits of culturalist analyses in African gendered discourses' (2014) 19 *Feminist Africa* 78-93.

partnership focuses on shared frameworks for addressing intersectional oppression and practical applications of decolonial feminism.¹⁰⁹ Cultivating greater solidarity among WROs, alongside the overarching AU-CARICOM partnership, will enhance collective political power and strengthen transnational demands for debt cancellation, climate reparations, and feminist-informed economic sovereignty.

6 THE ROLE OF INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

Acknowledging the complex challenges faced by women and girls, stemming from entrenched gender disparities, international law unequivocally establishes their right to remedy and reparation. The 1979 UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) obligates signatory nations to ensure reparations for those subjected to gender-based violence, encompassing indigenous women and girls.¹¹⁰

International and regional human rights bodies play a vital role in shaping states' obligations to provide reparations. UN treaty bodies, such as the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), and the Human Rights Committee, have addressed gendered harms in their concluding observations.

A recent review of nearly 600 concluding observations across these bodies reveals a growing emphasis on intersectionality. Treaty monitoring bodies have called on states to address the compounded discrimination faced by women of African descent, including through reparative measures.¹¹¹ For example, CERD has recognised intersectional harms by demanding states review policies that perpetuate economic marginalisation, leading to heightened gender-based violence among women of African descent in specific South American nations. Similarly, the CEDAW has issued recommendations urging states to incorporate the historical context of slavery and colonialism when addressing disparities in health and education for women of African descent. However, follow-up remains weak, and many states fail to implement recommendations effectively.

Regionally, the African Commission on Human and Peoples' Rights (African Commission) has affirmed the right to reparations under the

109 R Armstrong & E Wabuke "From the west, clouds come hurrying with the wind" – Caribbean and African feminism: trends examined' (2022) 11 *Journal of Student Research* 3.

110 UN Convention on the Elimination of all forms of Violence against Women (CEDAW) General Assembly resolution 34/180, 18 December 1979.

111 University of Dayton Human Rights Center and the University of The Bahamas. (2025). Looking back and reaching forward: Commemorating the International Decade for People of African Descent and the human rights of women and girls https://issuu.com/udhumanrights/docs/looking_back_and_reaching_forward_ (accessed 20 April 2025). See also Nabaneh (n 9) 80-87.

African Charter and the Maputo Protocol. Article 25 of the Maputo Protocol mandates the provision of suitable remedies for any woman whose rights or freedoms have been violated. The Commission has issued decisions recognising gender-based violence and the need for structural reform. Yet enforcement remains a challenge, and many victims struggle to access regional mechanisms due to costs, delays, and political resistance.

Within the Inter-American system, the American Convention on Human Rights, notably article 63(1), is central to this framework, codifying the legal concept of reparation for human rights violations. Consequently, the Inter-American Court of Human Rights has the authority to mandate both compensatory and restorative measures.

To strengthen accountability, international bodies must adopt a more robust follow-up process, provide technical assistance, and support local advocacy efforts. A Pan-African feminist approach demands that follow-up processes be reformed to mandate capacity building within regional mechanisms to address complex gender-based claims, and to explicitly require partnerships with grassroots women's organisations during implementation to ensure meaningful participation and monitoring. Regional bodies should enhance their capacity to hear gender-based claims and partner with women's groups to ensure meaningful participation. This right to reparations places a duty on states to provide effective remedies for human rights violations and to ensure that victims receive adequate and comprehensive redress. Nevertheless, in instances where states fall short in providing reparations, regional and international human rights complaint systems can play a crucial role in reinforcing the implementation of this right at the national level by awarding appropriate reparations when a state is found accountable for human rights violations.

7 INSTITUTIONALISING THE AGENDA: A PAN-AFRICAN FEMINIST PRAXIS FOR THE AU

Noting Namakula's assertion that 'a continental reparations agenda must be driven by a formidable and sustainable institution with continental-wide representation and consensus',¹¹² this section offers practical, pan-African feminist informed strategies for strengthening the AU's institution-building efforts for the successful implementation of the reparations agenda. These recommendations urge the AU to embody the very principles of gender-responsive and intersectionality it seeks to promote, recognising that the internal transformation of the Union is a prerequisite for external success. By first modeling these values within its own structures, the AU establishes

112 CS Namakula 'The rugged trajectory of Africa's reparations agenda: from aspiration to claim and action' (2025) *South African Yearbook of International Law* 1-17.

a credible blueprint and sets a transformative standard for the broader implementation of the reparations agenda across the continent.

Institutionalise pan-African feminist approaches within existing reparations mechanisms: The AU should institutionalise pan-African feminist approaches within its existing reparations frameworks by embedding gender focused, intersectional, and decolonial principles within institutional mechanisms such as the Citizens and Diaspora Directorate (CIDO) and the Economic, Social and Cultural Council (ECOSOCC).¹¹³ Both these departments serve as crucial interfaces between civil society and the AU, facilitating meaningful reparations engagement across the continent and its diaspora.¹¹⁴ Given their pivotal role in enabling civil society's access to and influence over AU's decision-making decision making, a pan-African feminist informed CIDO and ECOSOCC could enhance the inclusivity of these engagements by integrating grassrootsgrassroot feminist movements that often do not access such policy-making platforms. Incorporating a gendered lens ensures that reparations processes address the specific harms faced by African women and marginalised groups. Applying an intersectional and decolonial framework prioritises the inclusion of African feminist perspectives in macro demands such as debt cancellation and climate reparations. For example, feminist organisations like the Nawi Collective critique neoliberal debt architectures that perpetuate dependency and austerity, advocating instead for reclaiming public services, combating illicit financial flows, and advancing African sovereignty through autonomous, feminist economic alternatives.¹¹⁵

Similarly, WoMin centers feminist led climate justice by promoting community-based energy solutions that support women and marginalised groups through reparations and resilient development, while challenging the imposition of imported models under the guise of 'localisation'.¹¹⁶ These two examples illuminate that creating meaningful space for African feminist actors to propose context-specific solutions enriches reparations discourse and enables bodies like CIDO and ECOSOCC to move beyond imported Western models of organising and thinking about reparations, which have historically failed to resolve Africa's demands.

Elevate African women's leadership across reparations governance: The African Union (AU) must elevate African women's leadership within reparations governance, not only as a means of redressing historical injustices but as a political and strategic imperative to co-create a legitimate and inclusive reparations agenda

113 African Union 'CSW69: Fostering Critical Pathways for Reparations, Gender Justice and Peace for African Women and Girls: A Post 2025 Agenda' (March 2025) African Union.

114 As above.

115 Sibeko (n 77).

116 WoMin 'Women build power: celebrating 10 years of pan-African ecofeminist organising' (2024), <https://womin.africa/wp-content/uploads/2024/06/WoMin10YearPUB-ENG-FINALWEB.pdf> (accessed 7 November 2025).

that reflects the continent's diverse communities and identities.¹¹⁷ By embedding African women's leadership at the core of governance and reparations frameworks, the AU can embody its commitment to gender equality from within, thereby modeling a transformative and exemplary praxis for member states. As the AU develops its reparations governance structures and institutions, it is critical to recognise and prioritise the leadership of African women to ensure the non-repetition of the historical, systemic erasure and marginalisation of their intellectual and political contributions. This erasure, rooted in the patriarchal and masculine nation and institution-building paradigms of post-independence Africa, has been extensively critiqued by African feminist scholars such as McFadden, Tamale, and Horn.¹¹⁸

Additionally, Magadla also reveals that despite the pivotal role African women played in liberation movements and armed struggles, post-independence nation-building processes and subsequent institutional developments not only overlooked but actively excluded women from meaningful participation in decision-making forums, including reparations and peacebuilding initiatives.¹¹⁹ This persistent marginalisation perpetuates a cycle of gender inequality that undermines governance legitimacy as well as the effectiveness of reparative justice frameworks. The AU has made significant strides through drafting instruments like the African Union Strategy for Gender Equality and Women's Empowerment (GEWE),¹²⁰ reinforced by the Gender Is My Agenda Campaign (GIMAC).¹²¹ These initiatives represent a paradigm shift and align with a pan-African feminist approach that foregrounds the role of African women's leadership in reparations governance. Ensuring that African women also actively lead agenda-setting, policy formulation, and institutional design, rather than being relegated to subjects of intervention policy.¹²²

Strengthening participatory approaches and accountability in reparations governance: The AU's Accra Proclamation on Reparations, adopted at the Accra Reparations Conference (ARC2023), marks a significant shift towards a commitment to participatory reparations governance in Africa.¹²³ The proclamation's call includes recognition and inclusion of African civil society on reparations, creating platforms for transcontinental solidarity, and amplifying marginalised voices in the reparatory justice movement.¹²⁴ The commitments reflect a shift beyond traditional state-centric reparations models, which often confine power within governments

117 Namakula (n 117).

118 McFadden (n 24); Tamale (n 23); Horn (n 28).

119 S Magadla *Guerrillas and combative mothers: women and the armed struggle in South Africa* (2023).

120 African Union 'AU Strategy for Gender Equality & Women's Empowerment' (2018), https://au.int/sites/default/files/documents/36195-doc-52569_au_strategy_eng_high.pdf (accessed 2 June 2025).

121 B Diop & T Awori *GIMAC: gender is my agenda campaign* (2022).

122 Horn (n 28).

123 AU (n 14).

124 As above.

and exclude non-state actors. By leveraging platforms such as CIDO to create inclusive, participatory spaces for grassroots movements, feminist groups, youth, and diaspora networks, the AU fosters dialogue and co-creation of reparations strategies that resonate with lived experiences and nurture collective ownership of the agenda. This feminist informed approach strengthens the legitimacy and transformative potential of reparations engagement and governance, making it more just, accessible, equitable, and aligned with the complexities of intersectional experiences across African societies, consistent with a pan-African feminist praxis.¹²⁵

Intentional and abundant resourcing and capacity building as a pan-African feminist praxis: To operationalise effective reparations governance, the AU must commit to substantial financial and human resources to build institutional capacities dedicated to reparations. This includes comprehensive training for AU officials and member states on feminist informed approaches for reparations, intersectionality, and participatory governance to enhance coordination and accountability.¹²⁶ Through the Accra Proclamation on Reparations, the AU has committed to establishing a Global Reparations Fund to support the implementation of the agenda.¹²⁷ It is crucial for the AU to employ a feminist informed budgeting approach in the Fund to ensure that women's reparations programmes and agendas are well-resourced, and do not suffer more austerity. The commitment to abundantly resource African women's rights issues is made more critical by the current global funding cuts on gender equality, which disproportionately affect African WROs and feminist movements. The Alliance for Feminist Movements report reveals that the eight biggest Official Development Assistance (ODA) donor countries have announced funding cuts estimated at \$17.2 billion USD over the next five years.¹²⁸ Of the eight donors, the Dutch government was the biggest funder for gender equality and has announced its plans to reduce its ODA budget by 2.4 billion Euros in 2027, and it will do so by terminating all civil society, WROs, and gender equality funding.¹²⁹ While the United Kingdom (UK) reduces its development assistance from 0.5% to 0.3% to divert its resources towards increased militarisation projects.¹³⁰ Additionally, out of the 28% of philanthropic giving that is allocated to gender equality organisations, only about 1,8% directly reaches WROs and feminist movements, while 50% of the

125 N Ndlovu-Gatsheni 'Decoloniality and the Pan-African feminist agenda' (2022); Horn (n 28).

126 African Union 'AU Strategy for Gender Equality and Women's Empowerment (2018–2028)' (2018) https://au.int/sites/default/files/documents/36195-doc-52569_au_strategy_eng_high.pdf (accessed 5 April 2025).

127 African Union (n 72).

128 Alliance for Feminist Movements 'A snapshot in time: data highlights for the feminist funding ecosystem' (2025), <https://allianceforfeministmovements.org/wp-content/uploads/2025/08/A-Snapshot-in-Time-Data-Highlights-for-the-Feminist-Funding-Ecosystem-March-10.pdf> (accessed 25 May 2025).

129 As above.

130 As above.

allocated funds go to North American-based organisations.¹³¹ This data reveals that African WROs and feminist movements face resource and structural constraints at different levels of the ecosystem, which limits their capacity to organise and mobilise effectively.¹³² A feminist-informed budgeting framework for reparations will ensure that funding is not only accessible to women but that the distribution of resources and financial support reaches diverse communities of African women, including those engaged in unpaid movements and care work. The intersectionality of this approach will enhance the legitimacy, inclusivity, and long-term success of the reparations agenda across the continent.

Strengthening synergies within existing legal and institutional frameworks for women's rights: Advancing the reparations agenda for African women requires embedding it within the AU's gender-responsive human rights framework. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and more recent African Union Convention on the Elimination of Violence Against Women and Girls (AU-CEVAWG) are products of decades of feminist advocacy, advancing legal recognition of women's rights and gender equality.¹³³ The Maputo Protocol has played a transformative role in enabling African women to challenge patriarchal norms and secure protections against violations such as FGM and barriers to political, social, and economic participation. It makes provisions for SRHR, political inclusion, and protections from gender-based violence.¹³⁴ AU-CEVAWG expands this framework by addressing new forms of violence such as digital violence.¹³⁵ Together, these instruments constitute a robust legal framework for reparations claims by African women. However, the Nairobi Declaration remains underutilised, despite laying the necessary groundwork for reparations claims. Creating synergies among these frameworks and aligning them with the AU's Agenda 2063

131 As above, 4.

132 United Nations Women 'New survey shows half of women's organizations aiding women in crises may shutdown in six months due to global aid cuts' (May 2023) <https://www.unwomen.org/en/news-stories/press-release/2025/05/new-survey-shows-half-of-womens-organizations-aiding-women-in-crisis-may-shut-down-in-six-months-due-to-global-aid-cuts#:~:text=The%20drastic%20reduction%20in%20funding,how%20to%20support%20women's%20organizations> (accessed 15 April 2025).

133 M Kamunyu 'The AU Convention on the Ending of Violence Against Women and Girls, and the question of participatory legitimacy' (2025), [https://africlaw.com/2025/09/18/objection-the-au-convention-on-ending-violence-against-women-and-girls-and-the-question-of-participatory-legitimacy/#:~:text=In%20February%202025%2C%20the%20African%20Union%20\(AU\),instrument%20addressing%20gender%2Dbased%20violence%20across%20the%20continent](https://africlaw.com/2025/09/18/objection-the-au-convention-on-ending-violence-against-women-and-girls-and-the-question-of-participatory-legitimacy/#:~:text=In%20February%202025%2C%20the%20African%20Union%20(AU),instrument%20addressing%20gender%2Dbased%20violence%20across%20the%20continent) (accessed 30 September 2025).

134 A Rudman 'Introduction' in A Rudman, CN Musembi & TM Makunya (eds) 2023, *The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: a commentary* 1-2.

135 African Union 'African Union Convention on Ending Violence Against Women and Girls' (2025), https://au.int/sites/default/files/newsevents/workingdocuments/44174-wd-EN_AU_Convention_on_Ending_Violence_Against_Women_and_Girls_CEVAWG_27.05.2025.pdf (accessed 30 September 2025).

goals, particularly on sustainability and gender justice, will ensure strategic coherence. Thus, strengthening a coordinated reparations agenda and implementation for African women.

8 CONCLUSION

Reparations are not only about compensating for past harm but about building a just future. For African women and girls of African descent, justice demands recognition of the specific harms they have endured: harms shaped by gender, race, and history. A truly just reparations framework must be gender-sensitive, intersectional, and transformative. Moving beyond the traditional focus on monetary compensation or symbolic gestures, a transformative approach is urgently needed to address the deep-rooted harms suffered by women and girls of African descent. This paradigm shift moves beyond the notion of 'victimhood' to center agency, dignity, and justice, offering a blueprint for ontological design and worldbuilding. This requires a pan-African feminist reimagination that addresses both direct violations (like sexual violence) and structural harms (such as exclusion from education, health care, and political participation). Transformative reparations must include legal reform (e.g., the repeal of discriminatory laws), institutional reform (e.g., training judges on gender issues), and economic empowerment (e.g., land redistribution or access to education). They also include measures that challenge harmful cultural norms and promote healing, such as truth-telling ceremonies, memorialisation, and community-based rehabilitation. Survivors must be involved in the design of these programmes. Reparations imposed from above, without consultation, often fail to meet victims' needs. It also requires a multidisciplinary approach that draws on diverse fields and indigenous knowledge to craft holistic and contextually relevant reparations. Participatory processes that respect the knowledge and leadership of affected women are essential. The voices and leadership of those most affected must be centred through transparent, participatory, and sustained consultations. Importantly, transformative reparations must address structural inequality. Without addressing the economic and social conditions that sustain harm, reparations become mere gestures. By expanding reparations to encompass healing justice and structural transformation, a transcontinental reparations project must be feminist-informed, inclusive, and transformative. Building on the AU's foundational work and the CARICOM, this feminist reparations reimagination is essential not only for confronting historical injustices but also for realising transformative justice that empowers African women and fosters a more just and equitable future for the continent and its diaspora.