



# Justice undefined

A dialogue on the state of intergenerational justice in South Africa

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**Impunity  
Watch**



**African Youth  
For Transitional  
Justice**

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## Abstract

Thirty years into South Africa's democracy, the promise of justice and transformation remains unevenly realised. Despite the country's miraculous transition and reputation as a global model in transitional justice (TJ) through the Truth and Reconciliation Commission (TRC), the absence of intergenerational and descendant-centred approaches is negatively impacting today's youth. Unemployment, gender-based violence (GBV), environmental and climate injustices are enduring challenges, all rooted in the legacy of apartheid and its preceding settler-colonial regimes. This policy brief explores the state of intergenerational justice in South Africa, drawing from key informant interviews with "*Born-Frees*" – the descendants of apartheid victims and intergenerational witnesses to a system they did not experience directly, but carry its burden. The brief argues that TJ in South Africa is fragmented, symbolic, prone to political interference, and far removed from the cathartic undertaking it initially was in the 1990s. With many of the TRC recommendations left unrealised, youth have become passive inheritors of deferred justice – largely disconnected from processes of reparations, memorialisation, accountability, and their key developments. The brief proposes actionable pathways for intergenerational justice in South Africa and on the continent.

## Key insights

### 1. Intergenerational justice remains deferred and undefined in South Africa

- South Africa's TJ framework – established under the Promotion of National Unity and Reconciliation Act (1995) and the TRC's temporal mandate (1960–1994) – was never designed to endure beyond the TRC's operation or the first democratic transition.
- Due to an unresolved discourse, younger generations inherit not only the ethical responsibilities stemming from unaddressed justice but also the societal divisions caused by inequality, often lacking effective frameworks for engagement and transformation.

### 2. A fragmented and reactive TJ ecosystem

- Since the TRC's conclusion in 2003, South Africa's TJ efforts – reparations, education, reform, memorialisation, and accountability – have become fragmented across different departments and civil society organisations (CSOs).
- Civil society has driven most of the progress, but faces resource constraints, limited state support, and challenges in state interdepartmental synergy.

### 3. Youth disillusionment and disconnection

- Key informant interviews reveal a growing state of disillusionment where young people question the presence of intergenerational justice in democracy.

### 4. Missed policy integration

- National frameworks like the National Youth Policy (2020–2030) and National Youth Development Agency (NYDA) programmes have focused mainly on employment and entrepreneurship rather than TJ objectives rooted in healing or supporting historical consciousness.
- This gap reflects a broader policy vacuum, where intergenerational justice is neither measured nor mainstreamed in TJ and other youth-focused development agendas.

## Recommendations

### 1. Strengthen knowledge management and advocacy

Advance evidence-based, intergenerational research and assessment.

### 2. Advance inclusivity, equity, and generational dimensions

Institutionalise youth participation and cross-generational collaboration within TJ mechanisms and state departments. Foster multigenerational partnerships to sustain institutional memory and continuity.

### 3. Strengthen TJ education, memorialisation, and healing

Establish and support youth-led spaces for dialogue, education, and psychosocial healing linked to memorial sites and historical education.

## Acknowledgments

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Gratitude is also owed to civil society organisations and coalitions across the transitional justice community in South Africa for their ongoing advocacy and commitment to truth, memory, and reparations. This brief would not have been possible without Sanelisiwe Jobodwana and Amahle-Imvelo Jaxa, whose dialogue offered powerful reflections on memory, justice, and becoming. Through their authenticity, intergenerational justice found meaning grounded in lived experience, courage, and the ongoing conversation between the past and the present. Finally, to all young South Africans who continue to demand truth, accountability, and transformation – justice undefined is not a void, but an opportunity to redefine and co-create an inclusive and peaceful society for all.



# Introduction

On 24 September 2025, South Africa's Heritage Day – usually a day to celebrate history, culture, and identity – witnessed a different kind of observance. Under the banner of #ReclaimSA,<sup>1</sup> youth called for a mass protest against unemployment, gender-based violence (GBV), corruption, and stalled land reform – systemic challenges<sup>2</sup> deeply rooted in the country's apartheid and colonial history.<sup>3</sup> With youth unemployment at 46.1% overall and 62.4% among 15–24-year-olds in 2025,<sup>4</sup> this mobilisation symbolised a refusal by young South Africans to inherit the unfinished legacies of injustice. The national march was eventually postponed and materialised only in selected areas,<sup>5</sup> but it signalled a longstanding concern from the post-apartheid generation and was reminiscent of historic higher education movements like #RhodesMustFall,<sup>6</sup> #FeesMustFall,<sup>7</sup> as well as growing calls for intergenerational justice in South Africa.

This moment forms part of a broader global trend. In Kenya, Gen Z leveraged social media to spearhead the #RejectFinanceBill24 protests, forcing parliament to withdraw a proposed Finance Bill.<sup>8</sup> On 8 September 2025, widespread youth dissatisfaction with exclusion and corruption in Nepal

<sup>1</sup> South African Government News Agency (2015) SA youth called on to reclaim their future. Available at: <https://www.sanews.gov.za/south-africa/sa-youth-called-reclaim-their-future> (accessed 28 September 2025).

<sup>2</sup> Kunnie, J. (2018) *Is Apartheid Really Dead? Pan Africanist Working Class Cultural Critical Perspectives*. Routledge.

<sup>3</sup> ReclaimSA (2025) A Nationwide Peaceful Protest for Change. Available at: <https://youthreclaimsa.co.za/economic-inclusion-empowerment-protest-september-24-2025/> (accessed 28 September 2025).

<sup>4</sup> Statistics South Africa (2025) Statistical Release PO211 – Quarterly Labour Force. Available at: <https://www.statssa.gov.za/publications/PO211/PO2111stQuarter2025.pdf> (accessed 28 September 2025).

<sup>5</sup> ReclaimSA (2025) An Important Update from #ReclaimSA: Navigating the Postponement Together, 23 September 2025. Available at: <https://youthreclaimsa.co.za/an-important-update-from-reclaimsa-navigating-the-postponement-together/> (accessed 28 September 2025).

<sup>6</sup> Chantiluke, R., Kwoba, B., & Nkopo, A. (eds) (2018) *Rhodes Must Fall: The Struggle to Decolonise the Racist Heart of Empire*. Zed books.

<sup>7</sup> Godsell, G., Chikane, R., & Mpofu-Walsh, S. (2016) *Fees must fall: Student revolt, decolonisation and governance in South Africa*. New York University Press.

<sup>8</sup> Mbugwa, J. (2025) Why Kenya's Gen Z Has Taken to the Streets. *Journal of Democracy*. Available at: <https://www.journalofdemocracy.org/online-exclusive/why-kenyas-gen-z-has-taken-to-the-streets/> (accessed 27 September 2025).

erupted into nationwide protests that dismantled all three pillars of democracy and led to the appointment of the country's first female prime minister.<sup>9</sup> A few weeks later, Madagascar witnessed its largest wave of urban unrest as a youth-led protest resulted in President Andry Rajoelina dissolving his government.<sup>10</sup> Collectively, these developments represent a generational rupture in transitional or post-conflict societies: *young people are no longer passive inheritors of deferred justice and structural waithood, but active enforcers, redefining what justice, accountability, and reparations mean today.*

For South Africa's youth, this means grappling with the legacy of the Truth and Reconciliation Commission (TRC) established in 1996.<sup>12</sup> This entails working through the consequences of concessions made during intense negotiations as well as decisions made during the Commission's operation. One such decision saw the Human Rights Violations Committee establish a closed definition and finite list of direct victims of apartheid.<sup>13</sup> In policy, it recognised and compensated the direct victims of apartheid and their children,<sup>14</sup> while "unrecognised" or indirect victims would receive restitution through broad democratic reforms and economic redistribution.<sup>15</sup>

Yet, the state's failure to ultimately meet the needs of either category of people has resulted in a dual injustice – direct victims and their descendants feel deeply betrayed,<sup>16</sup> and a hierarchy of apartheid victims leaves today's youth with a fragmented and unfulfilled belief in democracy. Consequently, *Born Free*,<sup>17</sup> many of whom are descendants of people not recognised as direct victims of apartheid, are largely detached from the TRC's legacy and even further removed from ongoing Transitional Justice (TJ) developments towards accountability, renewed memorialisation efforts, and ongoing reparations campaigns.

This policy brief interrogates the state of intergenerational justice in South Africa as an initial step toward building inclusive frameworks for youth participation in TJ. The South African transition was indeed a delicate moment of *impossibility*<sup>18</sup> achieved through moral leadership and incomprehensible trade-offs.<sup>19</sup> However, the reality reveals a far more complex picture three decades later, particularly for young people.

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<sup>9</sup> BB News. Awami, S., Rukanga, B., Rakotomalala, O. (2025) Army General Named as Madagascar PM to Quell Gen Z Protests, 7 October 2025. Available at: <https://www.bbc.com/news/articles/c20z7e2pyw5o> (accessed 26 September 2025).

<sup>10</sup> Adhikari, P. (2025) Nepal's Leaderless Gen-Z Revolution Has Changed The Rules Of Power, 3 October 2025. Available at: <https://www.aljazeera.com/opinions/2025/10/3/nepals-leaderless-gen-z-revolution-has-changed-the-rules-of-power> (accessed 27 September 2025).

<sup>11</sup> Impunity Watch and The Centre for the Study of Violence and Reconciliation (2022) Youth Inclusion in Transitional Justice Policy in Africa. Available at: [https://www.impunitywatch.org/wp-content/uploads/docs/Policy\\_brief\\_Youth\\_inclusion\\_in\\_transitional\\_justice\\_policy\\_in\\_Africa\\_2022.pdf](https://www.impunitywatch.org/wp-content/uploads/docs/Policy_brief_Youth_inclusion_in_transitional_justice_policy_in_Africa_2022.pdf) (accessed 25 September 2025); Arthur-Holmes, F., Yeboah, T. (2025) Reconceptualizing The Youth and Waithood Notions: African Youth Agency and Rural Livelihoods in Artisanal and Small-Scale Mining, *Journal of Rural Studies*.

<sup>12</sup> Truth and Reconciliation Commission Report (2002) Volume 1 Chapter 4 Para 2 Page 8; Mandela, N. and Langa, M. (2017). *Dare Not Linger: The Presidential Years*. Pan Macmillan.

<sup>13</sup> Truth and Reconciliation Commission Report (2002) Volume 7 Pages 1-2.

<sup>14</sup> Truth and Reconciliation Commission Report of the Reparation and Rehabilitation Committee (2002) Volume 6 Section 2 Chapter One Page 92.

<sup>15</sup> African National Congress – Policy Document. (1994) A Basic Guide to The Reconstruction and Development Programme, 1 May 1994. Available at: <https://www.anc1912.org.za/policy-documents-1994-a-basic-guide-to-the-reconstruction-and-development-programme/> (accessed on 29 September 2025).

<sup>16</sup> Families of Apartheid Activists Institute Legal Proceedings Against the South African Government (2025) Constitutional Damages Case, Foundation For Human Rights. Available at: <https://unfinishedtrc.co.za/constitutional-damages-case/>

<sup>17</sup> Wa Azania, M. (2014) *Memoirs of a Born Free: Reflections on the Rainbow Nation*, Jacana Media.

<sup>18</sup> Sitze, A. (2013) *The Impossible Machine: A Genealogy of South Africa's Truth and Reconciliation Commission*. The University of Michigan Press.

<sup>19</sup> Ibid.

# Objectives & methodology

Against this backdrop, intergenerational justice emerges as a critical but absent dimension of South Africa's TJ framework. The aim of this brief is to examine how intergenerational justice is understood, experienced, and enacted by young South Africans thirty years after the transition to democracy. It seeks to: (a) assess the legacy and limitations of South Africa's TJ mechanisms; (b) analyse the current state of youth inclusion in TJ and broader policy processes, exploring how young people's sense of justice and belonging are shaped by structural waitness and political disillusionment; and (c) propose pathways for intergenerational and youth-centred TJ that reconnects the unfinished legacy of the transition with contemporary youth struggles for equality, reparations, memorialisation, and accountability.

The analysis is based on an extensive literature review examining scholarship on the South African transition and broader TJ research, government policies, data from public sources, and the TRC reports. The secondary source review was complemented by a qualitative, narrative-based approach using semi-structured, key informant interviews among young activists (descendants of anti-apartheid activists). The participants use their platforms in art, media, and advocacy to engage the public on politics, history, and social justice. Their positionality as both inheritors and interpreters of South Africa's democratic transition made them ideal participants for understanding the lived intersections between history, memory, and activism in a post-TRC society.

The data was analysed through a narrative analysis framework, privileging participant stories as primary sites of knowledge production. Attention was given to what was said, to context, tone, and emotion behind their reflections—recognising the deep personal and political histories shaping their accounts. To deepen the analytical lens, data were interpreted at the micro, meso, and macro levels, enabling analysis of complex social processes across multiple sites of impact and scale.<sup>20</sup> This multi-level approach was sensitive to systems and intentionally grounded in lived social, political, and economic realities, rather than examining TJ in abstraction.<sup>21</sup> The hope is that the analysis enables policy actors and researchers to identify the interconnections between individual experiences of injustice, community-level dynamics, and state-level interventions. This is key to co-creating intergenerational justice policies that move beyond single-dimensional explanations, instead being grounded in how individuals' experiences, institutional dynamics, and structural forces collectively shape TJ outcomes and social transformation.<sup>22</sup> A layered understanding of intergenerational justice is the goal, tracing the continuum from lived experience to institutions.

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<sup>20</sup> Serpa, S. & Ferreira, C. (2019) *Micro, Meso, and Macro Levels of Social Analysis*, International Journal of Social Science Studies. Modern social science increasingly views these levels as interconnected rather than isolated, emphasising the reciprocal relationship between agency and structure

<sup>21</sup> Ibid.

<sup>22</sup> Skaar, E., and Wiebelhaus-Brahm, E. (2013) *The Drivers of Transitional Justice: An Analytical Framework for Assessing the Role of Actors*, Nordic Journal of Human Rights.



## Defining intergenerational justice

Intergenerational justice is as abstract as it is imperative. The underpinning principle is that it links the redress of historic and present harms to the well-being, rights, and agency of future generations. In this paradigm, the future is at stake, which is why its legal origins have been articulated in environmental and climate change theory through the principle of sustainable development<sup>23</sup> and, more recently, the Maastricht Principles (2023).<sup>24</sup>

The latter holds that “children and youth are closest in time to generations to still to come”, that “human rights do not have temporal limitations, and their holders should not be discriminated against”.<sup>25</sup> Although the Maastricht Principles were developed within the context of environmental and climate justice, their language reflects a broader, cumulative response to the world’s persistent failure to address historical injustices and to build systems that are inclusive and future-oriented in both design and evaluation. In many ways, the innovation of the *Just Transition* framework itself draws on critical tenets and lessons of TJ, especially its emphasis on equity, communal participation, and accountability as critical for reconstruction and ensuring environmental justice.<sup>26</sup> The convergence of these two movements represents a powerful point of intersection: both seek to redress structural harm caused by conflict while ensuring that future development does not replicate the harm. For Generation Z<sup>27</sup> and Generation Alpha,<sup>28</sup> the intersection between

<sup>23</sup> Elgar, E. (2006) *Handbook of Intergenerational Justice*, pages 1–4. Edward Elgar Publishing.

<sup>24</sup> Rights of Future Generations (2023) *Maastricht Principles on the Human Rights of Future Generations* (2023).

<sup>25</sup> Maastricht Principles Preamble

<sup>26</sup> Brankovic, J. (2023) “*Transitional and Climate Justice: New Opportunities for Justice in Transition*”, *International Journal of Transitional Justice*, Pages 185–191.

<sup>27</sup> Refers to people born from approximately 1997 to 2012.

<sup>28</sup> Refers to people born from approximately 2010 to 2024, estimated to be the largest generation by 2030.

just transition and TJ has become a defining site of both conflict and activism – one that now finds expression through legal instruments such as the Rights of Future Generations and even the African Union Transitional Justice Policy (AUTJP).

Until the adoption of the AUTJP in 2019, the rights of future generations in TJ were largely safeguarded through the principles of non-recurrence and non-repetition.<sup>29</sup> In both policy and culture, youth participation was often confined to truth-telling and testimonial roles, with young people occupying largely passive spaces in post-conflict justice processes.<sup>30</sup> The founding or transition generation mainly assumed the roles of commissioners, prosecutors, and key enforcers of justice, despite youth often being disproportionately affected by conflict.<sup>31</sup> The intergenerational inclusion of youth in TJ as articulated in the AUTJP, therefore, represents a novel and transformative approach with significant implications for implementation, research, monitoring, and evaluation. In addition to benchmarks and standards of implementation, the AUTJP explicitly recognises *Children and Youth* as stakeholders, not merely beneficiaries of justice, and calls for their active participation in the design, implementation, and review of TJ mechanisms.<sup>32</sup> It further emphasises civic education and capacity-building as essential to enable meaningful youth engagement in reconciliation and peacebuilding processes.<sup>33</sup>

Still, as the first policy brief in this series identifies, the progressive language of the AUTJP is not yet matched in practice by national TJ policies, with a striking “gap between rhetorical commitment and practical implementation”.<sup>34</sup> Likewise, insofar as reparations processes are concerned, the AUTJP falls short of considering youth as rights-holders per se, with “no binding clauses or clear operational guidance on addressing intergenerational harms”.<sup>35</sup> *These shortcomings notwithstanding, the AUTJP does represent TJ innovation by broadly positioning youth not as future recipients of justice but as present co-authors of accountability and post-conflict transformation.*



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<sup>29</sup> Davidovic, M. (2021) *The Law of ‘Never Again’: Transitional Justice and the Transformation of the Norm of Non-Recurrence* International Journal of Transitional Justice, Pages 386–406.

<sup>30</sup> Youth Inclusion in Transitional Justice Policy in Africa (2022), see note 11 above, pages 2–3.

<sup>31</sup> Odum, U. (2022) *Harnessing Africa’s Demographic Dividends for Youth Participation and Engagement in Transitional Justice Processes*, Centre for the Study of Violence and Reconciliation, page 2–3.

<sup>32</sup> African Union Transitional Justice Policy, para 105 page 22.

<sup>33</sup> Ibid.

<sup>34</sup> Echeng, E., Tadesse, H., and Bwambale Asimwe, M. (2025) No justice without us: Why youth inclusion matters in reparations, AY4TJ platform and Impunity Watch, p.12. Available at: <https://www.impunitywatch.org/publications/policy-brief-legacy-youth-inclusion-reparations/> (accessed 27 September 2025).

<sup>35</sup> Ibid.



## Historical context: South Africa's transition & youth participation

*"There is a generation that was harmed by the transition because no one thought about the children, and we are now collectively all starting to recognise the scars of that transition." (Amahle-Imvelo Jaxa)*

South Africa's TRC is often heralded as the model of TJ. Built on the foundations of reconciliation and conditional accountability, the TRC was the central national body tasked with truth-telling, granting amnesty, recommending reparations, acknowledging human rights violations, advancing memorialisation, and promoting communal rehabilitation. Civil society organisations (CSOs) were actively involved with victims, playing a critical role in both advocacy and proceedings.<sup>36</sup> However, youth voices were marginal in its design, implementation, and outcomes.

In 1997, the TRC issued a statement titled, *TRC's Focus on the Role of Children and Youth*, acknowledging that young people between the ages of 15-25 had "borne the brunt of gross human rights violations", especially since 1976.<sup>37</sup> In response, the Commission committed to giving young people the opportunity to tell their story through a Special Hearing for youth and children, designed to enable the participation of children under the age of 18 without exposing them to

<sup>36</sup> Ibid.

<sup>37</sup> Truth and Reconciliation Commission. (1997) "TRC's Focus On The Role Of Children And Youth" *Department of Justice*, June 1997, Available at <https://appurl.io/YWTJ3oHdVh> (accessed 2 October 2025).

further trauma. Still, the TRC report itself recognises that the process was not representative of all children and youth due to the focus on gross human rights violations and its cautious approach to protecting minors. A few young participants chose to speak about the heroic role of young people in the struggle, and “many saw themselves not as victims, but as soldiers or freedom fighters and for this reason, chose not to appear before the Commission”.<sup>38</sup>

The specific roles of young people in the TRC, therefore, require further exploration. While the literature strongly reflects higher levels of youth agency during apartheid,<sup>39</sup> there is limited information on how that generation was mobilised, engaged, or institutionally incorporated within the TRC’s structures.

To this end, youth-centred TJ in the 1990s proved to be largely symbolic. The TRC’s engagement with children and youth did not translate into systemic recognition of intergenerational harms such as trauma passed down through families, long-term economic deprivation, or community destabilisation caused in townships and rural areas. While youth activism – including the 1976 Soweto uprising and related student protests – was the final blow to apartheid’s machinery,<sup>40</sup> youth were insufficiently integrated into reparations processes, memory-work, or youth policy frameworks to prevent structural exclusion and eventual *waithood* caused by an unaddressed legacy of racial inequality. Despite the protests and sacrifices made by learners in defiance of an unequal education system under the apartheid government, South Africa’s basic education system continues to reflect deep structural inequalities. *The justice offered was temporally and normatively bounded: it defined crimes narrowly as acts committed by individuals, overlooking the vast majority of apartheid’s victim and their communities, leaving their descendants to carry the burden of transitional and systemic injustice in democracy.*



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<sup>38</sup> Ibid.

<sup>39</sup> Cooper, S. (1994). Political Violence in South Africa: The Role of Youth Issue 22. no. 2:27-29. doi:10.2307/1166729.

<sup>40</sup> South African History Online (2013) 16 June 1976 – Soweto Uprising. Available at: <https://sahistory.org.za/article/june-16-soweto-youth-uprising> (accessed 29 September 2025).



## Institutional responses & youth structures: Policy gaps

South Africa has maintained a vigorous approach to youth development throughout its democracy. From the establishment of the National Youth Commission (NYC) in 1996, to the adoption of the National Youth Development Policy Framework and successive National Youth Policies—the strategic objective has been to address the legacy of apartheid by building an integrated and sustainable approach to youth development.<sup>41</sup> Youth initiatives such as Umsombovu,<sup>42</sup> which later merged with the South African Youth Commission (SAYC) to form the National Youth Development Agency (NYDA), have focused on employment, entrepreneurship, and youth services.<sup>43</sup> But what about youth-centred TJ mechanisms designed to educate young people about the history of human rights, reparations, accountability, dialogue, and memorial sites as one of many pathways to communal healing and historical consciousness?

Looking at the National Youth Policy 2020–2030, such mechanisms align with the priority areas of “Physical and Mental Health Promotion” and “Social Cohesion and National-Building”.<sup>44</sup> The priority areas are, however, not explicitly TJ- or legacy-designed. This appears as a missed opportunity. Furthermore, the work of the NYDA has come under parliamentary review in light of persistent

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<sup>41</sup> National Youth Development Policy Framework [2002–2007] (2002) Towards Integrated National Youth Development Initiatives and Programmes, South African Government. Available at: <https://appurl.io/EGMeZiGac7> (accessed 29 September 2025).

<sup>42</sup> A national youth development initiative to promote employment opportunities for young people and enhance entrepreneurship amongst them for sustainable livelihoods.

<sup>43</sup> National Youth Development Agency. *What is NYDA*. Available at: <https://nydawebwebsite.azurewebsites.net/About-Us/What-is-NYDA.html> (accessed 29 September 2025).

<sup>44</sup> Department for Women, Youth, and Persons with Disabilities (2020), *National Youth Policy 2020–20230*, DWYPWD. Available at: <https://appurl.io/VljHr8iuah> (accessed 29 September 2025).

high levels of unemployment and the slow pace of transformation.<sup>45</sup> While members of parliament acknowledged that the NYDA continues to play an important role as a key state agency for youth empowerment and development, the Portfolio Committee on Women, Youth, and Persons with Disabilities raised serious concerns regarding governance, transparency, performance, and the agency's limited reach, particularly in underserved communities.<sup>46</sup>

These limitations are deeply significant. The very measures intended to – or with the potential to – redress historical injustices experienced by indirect victims of apartheid, and by extension their children, have fallen short. Instead of serving as vehicles of post-apartheid development and intergenerational justice, these programmes have contributed to inequality by privileging urban, connected, and already resourced youth, while leaving those in rural and township areas further behind. The absence of an intentional intergenerational justice lens has left the descendants of indirect victims of apartheid without meaningful avenues to restitution, recognition, or participation in shaping South Africa's democracy. This has become a key factor in the persistence of *structural waithood* – a condition in which young people are caught in prolonged social and economic stagnation, unable to transition into full adulthood due to system exclusion and inequality. The absence of an intergenerational justice framework sustains waithood, reproducing historical disadvantages under democratic conditions.



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<sup>45</sup> Parliamentary Monitoring Group (2025) *NYDA 2025/26 Annual Performance Plan* Parliamentary Monitoring Group, 27 June 2025. Available at <https://pmg.org.za/committee-meeting/41111/> (accessed on 29 October 2025).

<sup>46</sup> Ibid.



# Generational perspectives

## The personal as political<sup>47</sup>

*“Truth-telling is a form of activism, and we have a responsibility to speak the truth in all the spaces that we occupy, especially where there is a lack of transparency, and mistreatment of people – we have to call it out.” (Sanelisiwe Jobodwana)*

Apartheid was not only a system of racial segregation, it was a machinery of economic exploitation and systemic exclusion that denied black South Africans basic rights such as education, healthcare, and freedom of movement from 1948 until 1994. For youth activists like Amahle-Imvelo Jaxa, a politics and philosophy graduate and a widely celebrated voice on social media<sup>48</sup> whose parents were themselves anti-apartheid activists, the legacy of this regime is both personal and unavoidably political.

Like many youth, she carries the stories and scars of a separatist system as both the compass of her advocacy and the lens through which she interprets truth commissions – then in the 1990s, and again in 2025. To her, the TRC was less a mechanism of justice and more of a *“contentious display of public reconciliation – one that acknowledged suffering but failed to deliver meaningful*

<sup>47</sup> Nicholson, L. (1981) *The Personal Is Political : An Analysis in Retrospect*. Social Theory and Practice, 85–98. The slogan suggests that the personal reflects the political status quo; that, ‘one makes personal choices that are consistent with one’s personal politics; personal life and personal politics are indistinguishable.’

<sup>48</sup> Amahle, J. (2025) “Jaxxofalltrades”. Tiktok. Available at: [https://www.tiktok.com/@jaxxofalltrades\\_sa](https://www.tiktok.com/@jaxxofalltrades_sa).

accountability or closure for the majority of apartheid's victims.”<sup>49</sup> Sanelisiwe Jobodwana, an artist, live performance graduate, and founder of Smallanyana Tales,<sup>50</sup> draws a similar conclusion, reflecting on the uneven burdens of reconciliation placed on victims and their descendants. She echoes Analisa Oboe's observation that the TRC too often equated the tears of black women with justice,<sup>51</sup> remarking, *“I did not hear the voice of apartheid in the TRC. Black people were the drivers of reconciliation then and now. I could not hear the remorse behind (the actions of) those who benefited from the system.”*

For both Amahle and Sanelisiwe, apartheid is not a distant history but a deeply personal story. As children of the transition, they were too young to shape the political agenda of the 1990s, yet they live its consequences daily. Their stories reveal what intergenerational justice – or its absence – looks like in practice: the disposition of being one of the first black children with an accent in the townships, navigating identity and isolation in formerly white schools, being the early subjects of integration and reconciliation in the 1990s, and commuting from the townships to the suburbs in pursuit of a better life. These experiences expose a few of the unspoken costs of the “miracle” transition – a bridge to peace built on the silent struggles of children whose parents could only offer hope. Calls for reforms and grievances at the heart of popular movements like #RhodesMustFall and # FeesMustFall became modern-day expressions of these deeply felt costs.

It becomes clear that apartheid was treated narrowly by the TRC as a catalogue of violations, rather than a system of privilege and dispossession whose beneficiaries were never compelled to confront their complicity as the foundation of the truth. That omission was the first act of intergenerational injustice in South Africa.

## Intergenerational justice



*“There is no intergenerational justice.”*  
(Sanelisiwe Jobodwana)

Although today's youth hold vivid memories of what it meant to be young observers and silent bearers of reconciliation in 1990s South Africa, defining intergenerational justice for the crimes of apartheid remains elusive: *“It's non-existent,”* Sanelisiwe surrendered, after reflecting on what intergenerational justice means to her, 30-plus years later.

Storytelling and bringing education to life are among the approaches she uses to bridge the intergenerational gap.<sup>52</sup> Yet despite the number of people Sanelisiwe reaches, she is aware of the limitations of dialogue without action, especially when the country is seemingly still at different ends of the justice narrative:

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<sup>49</sup> Mail and Guardian (2025) *Born Free: Too many commissions, not enough justice – with Amahle-Imvelo Jaxa*, Jaxx – Podcast episode 13” 22. Available at: <https://mg.co.za/thought-leader/2025-07-22-born-free-too-many-commissions-not-enough-justice-with-amahle-imvelo-jaxa-jaxx-podcast-episode-13/>. (accessed 2 October 2025).

<sup>50</sup> Smallanyana Tales Presents (2025) “A Post Apartheid: Joy and Chaos of Freedom”: A live event, Available at: <https://www.tiktok.com/@smallanyana/video/7559527301902290183>.

<sup>51</sup> Oboe, A. (2007) *The TRC Women's Hearings as Performance and Protest in the New South Africa*, Research in African Literatures Fall.

<sup>52</sup> TGC Africa Edition. *Profile: Sanelisiwe Jobodwana*. Available at: <https://africa.thegospelcoalition.org/profile/sanelisiwe-jobodwana/> (accessed 29 September 2025).



*“Because of how the TRC was framed and executed, every national conversation – whether about the economy, race, education, or healthcare – inevitably circles back to apartheid.”*

But, she adds:



*“We cannot have another TRC when the trust in government is so fragile. If citizens cannot rely on the state to provide essentials like a functioning healthcare system, how can they be expected to trust it with the responsibility of leading a second truth commission?”*

For Amahle, the problem is equally stark:



*“How can I believe in intergenerational justice when I have little faith in the institutions that are supposed to protect me as a woman?”*

According to Amahle, weakened institutions are the very factors that prevent intergenerational justice from taking root in democracy:



*“It is difficult to imagine any form of justice when our rule of law institutions are challenged and the only recourse seems to be a culture of commissions, with little to no accountability.”*

Together, their reflections highlight the contradiction at the heart of South Africa’s present: **young people have inherited the unfinished legacy of apartheid, yet they face a state whose weakened institutions and broken trust leave them without faith that justice – intergenerational or otherwise – can be achieved through formal mechanisms.**



## The state of intergenerational justice in South Africa's democracy

The outcomes of the TRC positioned the Commission as a pioneering mechanism and beacon of reconciliation within the field of TJ.<sup>53</sup> Over the past 30 years of democracy, South Africa's TJ landscape has achieved significant legal and symbolic gains as a result of this impact. Yet it has also experienced increasing fragmentation and societal disconnection.

Employing the micro-meso-macro framework introduced earlier, we can examine these dynamics against the need for intergenerational justice. The *micro level* focuses on survivors, victims, surviving family members, and community interactions, including narratives of conflict, trauma, and interpersonal reconciliation; the *meso level* examines the role of institutions such as courts, memory initiatives, and CSOs as intermediaries translating national policy into practice at the local level, including networks, spaces, and social infrastructures through which youth engage; and the *macro level*, which assesses institutional and state-level interventions in reparations, memorialisation, and prosecutions.

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<sup>53</sup> Koss, T. (2002) *South Africa's Truth and Reconciliation Commission: A Model for the Future*, Florida Journal of International Law.

<sup>54</sup> Ahmed, T. (2025) Truth Prevails. Ahmed Timol: A quest for Justice", *Ahmed Timol: Truth Prevails 1971-2021*, Available at <https://www.ahmedtimol.co.za/> (accessed 2 October 2025); Foundation for Human Rights. Ahmed Timol Case Overview. Available at <https://unfinishedtrc.co.za/ahmed-timol/> (accessed 4 October 2025).

## National framework & milestones (macro level)

### Accountability

At the national level, accountability for apartheid-era crimes has seen notable developments in recent years. Since the reopening of the Ahmed Timol Inquest in 2017,<sup>54</sup> a series of inquests have been formally reopened, including those of Steve Bantu Biko,<sup>55</sup> Chief Albert Luthuli, and Griffiths Mxenge.<sup>56</sup> In January 2025, victims and their families launched a constitutional damages application seeking damages of 167 million Rand (equivalent to \$9 million USD), a formal declaration of their violated rights, and the establishment of a commission of inquiry to investigate the reasons for prosecutorial delay and alleged political interference.<sup>57</sup> Additionally, the Caiphus Nyoka trial resulted in a conviction and sentencing of a former apartheid-era policeman in the post-TRC era.<sup>58</sup> In a landmark development in April of 2025, apartheid was judicially recognised as a crime against humanity under customary international law, barring prescription, that is, ensuring that crimes committed during this period have no time limit for prosecution.<sup>59</sup>

These milestones collectively reflect ongoing efforts to reinforce national accountability and to address the enduring legacies of apartheid through both legal and constitutional mechanisms.

Despite these advances, many challenges remain:

### Reparations

Reparations remain among the most contentious areas of TJ in South Africa. The reparations campaign led by Khulumani Galela has been camped outside the Constitutional Court since 2021, calling for unfulfilled reparations for victims of apartheid, amongst other related concerns.<sup>60</sup>

### National strategy & reach

Unlike in the 1990s when victims and communities were central to justice mechanisms, accountability milestones in national or high-profile matters have, on many scheduled proceedings, been accompanied by delays, causing further discomfort to victims and their families.<sup>61</sup> Additionally, the developments are yet to translate into meaningful community-level impact, particularly in rural and township areas where the crimes occurred.

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<sup>55</sup> Department of Justice and Correctional Development (2025) *Re-opened inquest into the death of Mr Stephen Bantu Biko*, 12 September 2025, DOJ & CD. Available at: [https://www.justice.gov.za/m\\_statements/2025/20250912-Biko-Inquest.html](https://www.justice.gov.za/m_statements/2025/20250912-Biko-Inquest.html). (accessed 2 October 2025).

<sup>56</sup> Department of Justice and Correctional Development (2025) *NPA to re-open inquest into the deaths of Chief Albert Luthuli and Griffiths Mxenge*, 9 April 2025. Available at: [https://www.justice.gov.za/m\\_statements/2025/2025049-NAP-Inquests.html](https://www.justice.gov.za/m_statements/2025/2025049-NAP-Inquests.html). (accessed 4 October 2025).

<sup>57</sup> The Presidency of the Republic of South Africa (2025) *President Cyril Ramaphosa Established a Commission of Inquiry Into Delay In Investigation and Prosecution of TRC Cases*, 29 May 2025. Available at: <https://www.thepresidency.gov.za/president-cyril-ramaphosa-establishes-commission-inquiry-delay-investigation-and-prosecution-trc> (accessed 5 October 2025).

<sup>58</sup> National Prosecuting Authority (2025) *Fifteen Years Direct Imprisonment For One Of Caiphus Nyoka Killers*, 10 July 2025, NPA. Available at: <https://www.npa.gov.za/media/15-years-direct-imprisonment-one-caiphus-nyoka-killers> (accessed 5 October 2025).

<sup>59</sup> National Prosecuting Authority (2025) *The High Court Reaffirms Rule of Law on Crimes Against Humanity*, 14 April 2025. Available at <https://www.npa.gov.za/media/high-court-reaffirms-rule-law-crimes-against-humanity>. (accessed 06 October 2025).

<sup>60</sup> Apartheid Museum Exhibition: Foundation For Human Rights (2025). Available at: <https://www.youtube.com/watch?v=H1bGYnTwcZw>.

<sup>61</sup> South African Human Rights Commission (2025) *Media Statement: South Africa Human Rights Commission Welcomes Presidency's Announcement Establishing A Commission Of Inquiry Into The Delay In Investigation and Prosecution of TRC Cases*, 29 May 2025. Available at <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/4323-media-statement-south-africa-human-rights-commission-welcomes-presidency-s-announcement-establishing-a-commission-of-inquiry-into-the-delay-in-investigation-and-prosecution-of-trc-cases> (accessed 25 September 2025).

As a result, TJ activities are now predominantly driven by public pressure or the symbolic significance of specific cases, rather than being part of an intentional, broad-based state programme designed to foster accountability, public participation, healing, human rights, education, and systemic reform. This has led to a disconnection between legal victories and the lived experience of affected communities, undermining the potential for meaningful intergenerational justice.

### ***State-led youth development priorities***

Over the past three decades, South Africa's youth ministries and NYDA have primarily concentrated on initiatives such as entrepreneurship, governance education, and capacity-building.<sup>62</sup> These programmes are framed as contemporary solutions to youth challenges, with minimal integration of historical context or engagement with the legacies of apartheid. While these efforts aim to empower youth economically and socially, they often overlook the importance of acknowledging past injustices and fostering intergenerational justice as a programme objective.

This approach has contributed to the generational disconnect between contemporary youth development initiatives and the historical experiences of young people. Consequently, the state's youth development framework risks inadvertently perpetuating a cycle of exclusion, hindering the full realisation of TJ and reconciliation.



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<sup>62</sup> See NYDA note 43.

## Local institutions & civil society movements (meso level)

At this level, memory, mobilisation, and advocacy intersect, shaping how TJ is lived, remembered, and contested within society. It is also at this level where many of the national TJ objectives are translated into practice, and where justice becomes tangible to victims of apartheid and ordinary citizens alike.

### ***Civil society activism***

Civil society organisations (CSOs) have been the engine of South Africa's TJ landscape. Operating often under severe resource constraints and with limited state support, they have forced state action towards justice and have taken on critical functions that the state has either delayed or abandoned. In the absence of sustained government leadership, CSOs have stepped in, adapting strategies to support apartheid victims and advance the unfinished business of the TRC.

Many fulfil an archival and advocacy role, preserving testimonies, advancing litigation for delayed prosecutions, and sustaining memorialisation projects that keep the stories of victims alive. Civil society organisations (CSOs) have also ensured that crucial aspects of the TRC's unfinished work remain on the national agenda – from reopening inquests and securing legal recognition for apartheid as a crime against humanity, to supporting victims' families in their continued pursuit of justice.

### ***Fragmentation & structural challenges***

Where the TRC once consolidated truth-telling, reparations, accountability, memorialisation, and rehabilitation within a single, coherent framework, these functions are now dispersed across multiple state departments and non-state actors. While there are undoubted positives, including innovation, this arrangement has resulted in reparations, memorialisation, community rehabilitation, and accountability efforts often operating in mutual and societal silos – treated as distinct processes rather than as interconnected components of a comprehensive national programme as originally envisaged in the 1990s.

The enduring structural challenges faced by CSOs also contribute to this reality. These challenges are not limited to fragmented national mandates, a decline in funding, and limited institutional coordination. Reparations remain governed by the Department of Justice's Reparations and Rehabilitation Committee, with victims now in their senior years still actively campaigning for the fulfilment of reparations promised nearly three decades ago. Accountability is pursued through the ordinary criminal justice system (via the National Prosecutions Authority), in many cases due to sustained civil society pressure. While these developments are symbolically and legally significant, progress remains piecemeal and slow to translate into relief at a community level.

To mitigate this, CSOs have established a common platform via the national coalition for transitional justice,<sup>63</sup> providing a recognised unifying space for advocacy, litigation, and community engagement. While the coalition enhances coherence across the civil society sector and facilitates victim participation, further research is needed to assess youth involvement within its structures and the extent to which its programmes promote and sustain meaningful intergenerational justice.

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<sup>63</sup> South African Coalition for Transitional Justice. Available at: <https://sactj.org.za/>.

## ***Memorialisation & public discourse***

The proliferation of documentaries,<sup>64</sup> museum exhibitions, and renewed public attention on apartheid-era figures has intensified due to developments in accountability, driven largely by civil society and victims' families.

With respect to memorialisation, heritage, and public memory, each is governed under separate legal instruments,<sup>65</sup> creating parallel regulatory tracks for monuments, archival records, museums, and commemorative initiatives. These frameworks operate largely in isolation from reparations and accountability processes, though recent efforts have attempted to link memory work and public memory to reparative work and accountability processes. The result is a TJ ecosystem divided across legal and policy silos, where reparations, accountability, memorialisation, and education each fall under different authorities. This produces uneven outcomes, leaving CSOs, victims, and their families to carry the burden of continuity, coherence, and moral leadership in seeking justice post-TRC.



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<sup>64</sup> Enver, S. "Truth Be Told". Available at: <https://thetruthbetold.co.za/>.

<sup>65</sup> See the National Heritage Resources Act (No.25 of 1999) and the South African Heritage Resources Agency (SAHRA).

## Youth, memory, trauma, and awareness (micro level)

At the individual level, intergenerational justice manifests through lived experiences, in how young people understand history, carry inherited trauma, and interpret the meaning of justice in their own lives. For many, the concept of TJ feels distant, abstract, or incomplete, reflecting both the limits of public engagement and the absence of meaningful intergenerational transmission of justice and memory.

### ***Uncertainty & confusion***

Youth lack clarity about what intergenerational justice means, often believing that if justice were meant to occur, they would have already seen and felt it. This perception reflects both the temporal fatigue of justice deferred and the gap between symbolic and systemic change.

### ***Inherited trauma***

The psychological and emotional legacies of apartheid persist across generations. Youth inherit not only the stories but also the scars of parental suffering, shaped by displacement, violence, and dispossession, while still confronting the same structural inequalities in employment, education, housing, and land ownership. For many young people, this produces a sense of psychological continuity of harm, where historical harm coexists with present deprivation.

### ***Weak connections to TJ institutions***

Although youth are aware of TJ milestones like the formal reopening of key inquests, commissions of inquiry into political interference, and landmark international judgments, they struggle to make contemporary connections to the discourse. This is a widely observed phenomenon in (strategic) litigation more broadly, where the transformative nexus between law and society often unfolds over time.

### ***Distrust & disillusionment***

Widespread allegations of political interference and resource mismanagement have weakened public trust in state institutions and in democracy. There is growing distrust in the state's ability to meet present-day challenges, and even more so when it comes to addressing historical injustice without meaningful intergenerational participation.

At the individual level, intergenerational justice is not only about historical accountability and the transmission of memory but also about restoring faith in democracy, in what it took to create a peaceful transition, and the possibility of transformative justice.



## Conclusion: Defining the unrecognised

*“It is disappointing that our education system focuses on Western history at length, but has minimal focus on apartheid and the legacy of the TRC. We need to learn more about South African history and not only focus on the aspects of it that leave us questioning who justice was really for thirty years later.”*  
(Amahle-Imvelo Jaxa)

The promise of justice remains unevenly realised across generations, thirty years into South Africa's democracy. While the TRC laid an important foundation for truth recovery and reconciliation, its limited mandate and lack of systemic redistribution left the deeper work of transformation to future generations. Transitional justice policy has never fully acknowledged the descendants of indirect victims of apartheid, nor has it delivered comprehensive justice to direct victims.

Intergenerational justice in South Africa is at minimum undefined, fragmented, and at best deferred. TJ mechanisms, from reparations to memorialisation, operate distinctly, often driven more by civil society persistence than state commitment. Building an intergenerationally conscious TJ framework requires institutional reform, but moreover, a moral and political commitment to addressing the legacy of apartheid.

South Africa must cultivate youth-led spaces for justice, embed intergenerational participation across mechanisms, and centre education and civic life as sites of collective redress in its TJ efforts. Both Sanelisiwe and Amahle highlighted curriculum reform as a critical starting point for intergenerational justice.

In other words, tackling the enduring systemic legacies of apartheid and the unfinished business of the TRC means broadening the parameters of what justice means across generations to develop policies grounded in advancing intergenerational justice.





## Recommendations

South Africa's TJ landscape has evolved considerably since the TRC concluded its operations and submitted its final recommendations in 2003. The *Promotion of National Unity and Reconciliation Act* (1995) remains the sole piece of legislation directly governing TJ and facilitating participation, with its applicability tied to the TRC's historical mandate and operations. Since then, TJ objectives have been led under different ministerial regulations, judicial processes, and civil society agreements, resulting in a dispersion of programmes, limited institutional synergy, capacity building, and sustainability challenges. To address this and extend the unfinished work of the South African transition, we propose a set of intergenerational and youth-focused recommendations informed by the African Union Transitional Justice Policy (AUTJP, 2019) and its guiding principles of synergy, inclusivity, non-recurrence, gender, and generational dimensions.

The recommendations are not prescriptive but are intended to spark critical dialogue on generational collaboration and to inspire future policy participation and coherence in South Africa.

### ***Institutionalise youth-centred TJ research & intergenerational impact assessments***

Three decades into democracy, the passage of time requires a renewed exploration of the TJ legacy and a revision of intergenerational justice in South Africa. A context-specific and cross-cutting definition of intergenerational justice is important, especially in countries where justice continues under a different dispensation and through various actors. To assess the level of impact and youth engagement over the years, South Africa should create structured mechanisms within government, academia, and civil society to evaluate how ongoing and emerging TJ processes – such as reparations, memorialisation, and accountability – affect young people and the descendants of apartheid victims. This would strengthen evidence-based policymaking, while addressing a major research gap on youth perspectives in TJ and post-conflict democracies. Avenues for implementation:

*For South Africa:*

- **Develop a national research framework within the Department of Justice and the Department of Women, Youth, and Persons with Disabilities** to assess the intergenerational and cross-cutting impacts of TJ mechanisms like reparations, memorialisation, accountability, and reform.
- **Encourage academic institutions and think tanks to partner with youth-led organisations** to document and amplify youth perspectives.

*For AU Member States:*

- **Develop evidence-based youth inclusion metrics** to monitor how TJ contributes to the empowerment of youth, gender equality, and promotes non-recurrence – metrics that are consistent with AUTJP principles of generational equity and sustainable peace.
- **Integrate intergenerational impact assessments into the design, monitoring, and evaluation of TJ policies and programmes**, encouraging collaboration between government institutions, academia, civil society, and youth-led organisations, thereby advancing an evidence-based understanding of justice that bridges generations and targets transformation by fostering cross-sector partnerships and knowledge exchange.

## 02 Advance inclusivity, equity, and intergenerationality

### *Integrate intergenerational participation into existing TJ mechanisms*

With the conclusion of the TRC in 2003, pathways for youth inclusion and advocacy within South Africa's TJ landscape became increasingly unclear. To bridge this gap, youth representation should be integrated into ongoing and future TJ initiatives, ensuring that generational perspectives inform both process and policy. Actionable interventions entail:

For South Africa:

- **Entrench youth participation frameworks within the country's existing TJ initiatives** – including reparations, community rehabilitation (reform), memorialisation, and accountability – ensuring meaningful youth engagement at all stages.
- **Develop and implement intergenerational justice policies to address the structural wretchedness, exclusion, and inequalities lived by today's youth.** Such policies must link historical and intergenerational injustices to socio-economic transformation, while tackling the root causes of educational, employment, and democratic shortfalls.
- **Introduce youth advisory committees within TJ coalitions and government departments** to ensure youth representation in national and community-level decision-making for a multigenerational understanding of TJ.

For AU Member States:

- **Institutionalise intergenerational justice into policy commitments** by guaranteeing youth participation in the design, implementation, and future-focused legacy arrangements of TJ initiatives.
- **Facilitate intergenerational dialogues and mentorship spaces** to promote mutual learning and transfer of institutional memory, consistent with AUTJP principles of inclusivity and capacity building for sustainability.
- **Ensure TJ mechanisms move beyond documenting violations to interrogate and redress systems of privilege, dispossession, and structural inequality that sustain intergenerational injustice.** This includes promoting mechanisms that acknowledge historical complicity, engage beneficiaries of past injustices, and support equitable redistribution. Addressing these deeper dimensions of harm is essential to transforming democratic systems and preventing the transmission of injustice across generations.

## 03 Strengthen transitional justice education, memorialisation, and healing

### *Support and institutionalise youth-led spaces for justice, dialogue, education, memory, and healing*

Movements such as #RhodesMustFall and #FeesMustFall reflect a generation conscious of the lack of transformation caused by the unfinished business of transformation in South Africa. However, there are few structured spaces and programmes for youth engagement with TJ – particularly those that link historical awareness to healing, dialogue, and institutional justice in democracy. To address this gap, the brief recommends:

*For South Africa:*

- **Create youth-led platforms at local and national levels to foster dialogue on historical justice, identity, and reconciliation.** To diversify impact and strengthen ownership, these can happen at community centres, digital/online engagements, or school-based memorialisation projects.
- **Integrate TJ education into the National Youth Policy’s “Social Cohesion and Nation Building” and “Health and Wellbeing” pillars** to cultivate awareness, critical reflection, and collective healing among young people.
- **Strengthen collaboration between civil society, youth development agencies, and educational institutions** to embed TJ and intergenerational memory within youth development programmes.

*For AU Member States:*

- **Ensure TJ policymaking is aligned with education reforms, historical awareness, and intergenerational memory, including national youth and education policies.** This includes integrating intergenerational justice concepts into civic and social development curricula, youth strategies, and national healing frameworks.
- **Create and resource institutional mechanisms that support youth-led initiatives for justice, memory, and reconciliation.** These spaces – whether community-based or online – should enable young people and future generations to engage in dialogue about the past, articulate visions for transformation, and design creative forms of memorialisation and collective healing.

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