

On Solid Ground

Building Sustainable Peace and Development
After Massive Human Rights Violations



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Report of the Working Group on Transitional Justice and SDG16+

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About the Working Group on Transitional Justice and SDG16+

The Working Group on Transitional Justice and SDG16+ is convened by the International Center for Transitional Justice, in collaboration with the Task Force on Justice, an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies.

The Working Group comprises representatives of the following: Argentina Ministry of Justice and Human Rights; Asia Justice and Rights; Dejusticia; The Gambia Ministry of Justice; Impunity Watch; Institute for Integrated Transitions; International Bar Association Hague Office; International Center for Transitional Justice; Kalthoum Kannou, Judge at the Tunisia Court of Cassation; The Netherlands Ministry of Foreign Affairs; Office of the UN High Commissioner for Human Rights; Open Society Justice Initiative; Redress; Fabián Salvioli, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence; Swedish International Development Cooperation Agency; swisspeace; Switzerland Federal Department of Foreign Affairs; UN Development Programme; UN Peacebuilding Support Office; and UN Women. The Working Group is grateful for the support of the Knowledge Platform Security and Rule of Law.



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Hundreds of victims and members of survivor groups and local organizations commemorate the annual Day of Dignity for Victims of the Internal Armed Conflict in Guatemala on February 25, 2019. (Cristina Chiquin/Impunity Watch)





GOVERNANCE

1 Overview

2 Recommendations

4 Introduction

5 ▶ The Justice Gap

6 ▶ The Case for Action

9 Justice as Prevention

10 ▶ Inclusive, Legitimate, and Trustworthy Institutions and Beyond

11 ▶ Rule of Law and Access to Justice

13 ▶ Gender Equality

15 ▶ Inequality and Marginalization

17 ▶ Corruption

19 Resolving Justice Problems

19 ▶ Context-Specific Innovation

21 ▶ Victim Participation

21 ▶ Stability and Political Settlements

22 ▶ Long-Term Change

25 Support from the International Community

26 Conclusion



Overview

This report articulates the contributions of transitional justice to the Sustainable Development Goals (SDGs), particularly SDG 16 on peace, justice, and inclusion, and related goals on gender and inequality (SDG16+). The primary argument is that in contexts of serious and massive human rights violations, sustainable peace and development will be more attainable if societies effectively pursue justice for those violations. Transitional justice provides a framework for addressing the needs of victims and helping to reduce the “justice gap”—that is, the failure to provide justice to people and communities outside the protection of the law—in such extraordinary circumstances.

Focusing on prevention, the report makes the case that transitional justice can foster trust in institutions and among people and groups; strengthen rule of law and access to justice; help to transform gender inequalities; and reduce inequality, marginalization, and corruption. It emphasizes a problem-solving approach to transitional justice, which requires context-specific and locally led innovation, the meaningful participation of victims, and balancing a concern for political settlements and stability with the aim of maximizing long-term change. It also describes the critical role of the international community.

The recommendations that resulted from this analysis are ultimately targeted to United Nations (UN) members states participating in the 2019 UN High-Level Political Forum on Sustainable Development. The report is the product of the deliberations of the Working Group on Transitional Justice and SDG16+. An earlier working draft of the report was submitted to the Task Force on Justice.¹ The methodology the Task Force used to prepare its final report—including taking people-centered approaches, gathering relevant data, and proposing evidence-based solutions to justice problems—is one that is relevant to and should inform transitional justice.

¹ The Task Force on Justice is an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies and is chaired by ministers from Argentina, The Netherlands, and Sierra Leone, and by Hina Jilani, a lawyer, human rights activist, and one of the Elders. The Task Force aims to contribute to better justice outcomes for people and communities outside the protection of the law, in line with SDG16.3 and related targets on justice. The Task Force has three core tasks: to develop a new global estimate of the justice gap; to make the case for investment in justice; and to identify the strategies, tools, and approaches that will increase access to justice. Supported by a growing alliance of justice partners, the Task Force produced a final report and is issuing a call to action to justice leaders around the world ahead of the 2019 UN High-Level Political Forum on Sustainable Development and the 2019 UN Sustainable Development Summit. See Task Force on Justice, *Justice for All: Report of the Task Force on Justice* (2019), www.justice.sdg16.plus/report.

Recommendations

Provide consistent support and investment to enable context-specific transitional justice to be a tool of sustainable peace and development.

Formulate development indicators according to the scale and seriousness of the injustice that societies may have experienced during violent conflict and repression.

Assess the value of transitional justice to SDG goals and targets, such as the rule of law, access to justice, and inclusive institutions, based on its processes and long-term contributions to change rather than short-term impact.

Recognize the critical role that transitional justice can play in the prevention of rights violations, repression, violence, and violent conflict.

Expand the understanding of means to achieve guarantees of nonrecurrence to include a broader range of institutional, legal, and constitutional reforms as well as civil society, faith-based, cultural, and individual-level interventions.

Adopt gender transformative approaches to transitional justice that address gender hierarchies, discrimination, and exclusion when dealing with human rights violations, particularly against women.

Promote approaches to transitional justice that address all human rights violations—including economic, social, and cultural violations.

Design transitional justice in such a way that it challenges systems and structures of inequality, exclusion, discrimination, and societal division and other root causes and structural drivers of violence.



Encourage innovative justice solutions that are driven by local and regional priorities and account for local political dynamics instead of one-size-fits-all or heavy-handed interventions that overly rely on foreign expertise.

Fund the efforts of civil society and victims to organize, network, and advocate for victims' rights as part of aid for post-conflict stabilization and reconstruction rather than limiting support to officially led initiatives.

Provide the tools, space, and access to information to victims and affected communities that are necessary for them to participate in and shape every stage of transitional justice processes, including design, implementation, and monitoring.

Preserve and protect the civic space that allows justice advocates, grassroots groups, victims' associations, and media to participate in transitional justice, and support domestic efforts to change underlying distributions of power in order to make room for local transitional justice initiatives.

Promote participatory transitional justice processes that enable civil society, victims, marginalized and vulnerable populations, women, children and youth, and rural and indigenous communities to meaningfully participate from the outset, rather than approaches that focus on urban residents and that are overly technocratic.

Emphasize the forward-looking and long-term nature of transitional justice processes and establish links to permanent structures such as national justice systems and national institutions or networks for atrocity prevention.

Introduction



Victims testify at the first public hearing of Tunisia's Truth and Dignity Commission. (Truth and Dignity Commission, Tunisia)

In many countries throughout the world, ongoing or past serious or massive human rights violations have had enormous consequences at the individual, societal, and institutional levels, which present immense obstacles to the advancement of the 2030 Agenda for Sustainable Development. Today, ongoing crises or cycles of violence affect countries such as the Central African Republic, the Democratic Republic of Congo, Myanmar, South Sudan, Syria, Ukraine, and Yemen. Countries currently engaged in complex processes that deal with their pasts include Colombia, The Gambia, and Tunisia.

Achieving lasting peace, reconciliation, and justice after armed conflict, repression, or mass violations has long been an objective, and challenge, for the international community. Germany and other European countries after World War II, Argentina, the Balkans, Chile, El Salvador, Guatemala, Indonesia, Liberia, Peru, Sierra Leone, South Africa, Timor-Leste, and former communist countries in Eastern and Central Europe, among others, have, with different degrees of success, all had to deal with the legacies of mass violations in order to protect human rights, strengthen the rule of law, deliver justice, prevent violence, and advance toward sustainable development. Some of these legacies date back decades or even generations, while others coincide with more recent or current events, conflicts, or repression.



Transitional justice refers to how societies respond to serious and massive violations of human rights and humanitarian law. According to the United Nations (UN) Secretary General's 2004 report, it comprises “the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”² Transitional justice, as it is currently and commonly understood, is meant to both redress mass violations and identify avenues to address the root causes and structural drivers of violence and repression, such as gender inequality and social exclusion. While transitional justice includes criminal accountability, it is underpinned by a broader understanding of justice that takes into account a range of victims' needs and societal priorities.

The Sustainable Development Goals (SDGs) do not refer explicitly to massive human rights violations, but they do include objectives to which transitional justice contributes, such as establishing the rule of law, guaranteeing access to justice, creating inclusive institutions, preventing violence, combating corruption, increasing gender equality, and reducing inequality. Furthermore, because it is universal, the 2030 Agenda for Sustainable Development provides political opportunities to make the case that the legacies of massive human rights violations must be addressed in order to move that agenda forward.

Transitional justice makes a valuable contribution to a range of sustainable development targets, including but not limited to those in SDG 16 on peaceful, just, and inclusive societies. Policymakers and donors should support and invest in transitional justice to reduce the “justice gap”—the failure to provide justice to people and communities outside the protection of the law. In contexts of serious and massive human rights violations, sustainable peace and development will be *more attainable* if societies pursue justice for those violations and address their causes and consequences.

Transitional justice will maximize its contribution to sustainable development if it is context and gender specific; designed to foster long-term change; owned by and substantially led by victims, civil society actors, and local government; innovative, pragmatic, and problem-solving oriented, not reliant on template approaches; and supported but not designed or implemented by international actors. To increase its potential for success, it should also be strategic, comprehensive, and aligned with political, peacebuilding, human rights, and development strategies.

The Justice Gap

The legacies of serious and massive human rights violations—which encompass large numbers of victims and survivors, widespread grievances, exclusion, lack of civic and social trust, social divisions, and

² UN Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General* (S/2004/616*, August 23, 2004), 4.

compromised or weakened institutions—create specific challenges for making progress toward sustainable development. In societies dealing with such legacies, the failure to achieve development targets such as basic access to justice, reduction of violence, and equality frequently stems not only from corrupt or fragile state institutions, but also from deliberate policies or conduct targeting certain individuals and groups. These people are often already among the poorest and most marginalized in society, whose rights are systematically violated, and who are neglected, discriminated against, or attacked on account of their identity. For victims of such violations, obtaining access to justice and redress can be too complex for common approaches to building institutional capacity and reducing poverty.

In its “challenge paper,” the Task Force on Justice stresses that the justice gap is greatest in conflict-affected countries, where only 3 percent of development assistance goes to justice-related activities and progress can be “painfully slow,” and points to the challenges of strengthening the rule of law in these countries. It also recognizes, however, the potential of transitional justice to “promote peace and provide the foundations for more resilient patterns of development.”³ Similarly, The Pathfinders for Peaceful, Just and Inclusive Societies’ “roadmap” calls for “targeting prevention for countries and communities most likely to be left behind,” which requires “national dialogues and processes to support reconciliation and transitional justice.”⁴

In countries experiencing or emerging from violent conflict or repression, reducing the justice gap is often largely about dealing with the massive numbers of violations that occurred and the widespread grievances associated with them. In Syria, for example, where more than 400,000 people have died as a result of the war, more than 12 million have been displaced, and tens of thousands are missing or disappeared, or in Colombia, where the toll of the armed conflict included more than 8.5 million victims, the scale and severity of human rights violations requires extraordinary responses to meet the immense justice needs of victims and society. Transitional justice is such an extraordinary response, often delivered during critical junctures—such as transitions—that provide opportunities to address the past. Transitional justice is necessary so that these communities and societies are not in fact “left behind” by the SDGs.

The Case for Action

The Task Force on Justice has emphasized that prevention is key to sustainable development, and that justice is key to prevention. It is thus important to note that human rights violations do not only result from violent conflict and repression, they can also increase the likelihood of an onset or recurrence of such violence and repression. Studies have shown that governments that practice good governance

³ Task Force on Justice, “Justice for All: Challenge Paper for the First Meeting of the Task Force on Justice” (2018), 1-2.

⁴ Pathfinders for Peaceful, Just and Inclusive Societies, “The Roadmap for Peaceful, Just and Inclusive Societies: A Call to Action to Change Our World” (2017), 29.

are much less likely to face renewed violence in any form; that violations of economic and social rights and physical integrity rights are linked to an increased risk of civil war; and that high levels of gender-based violence are associated with increased vulnerability to armed conflict and the use of more severe forms of violence during conflict.⁵ Narratives of grievance arising from human rights violations and impunity also contribute to violent extremism and the likelihood that extremist groups will commit violent crimes.⁶

Empirical evidence also suggests that transitional justice can contribute to prevention. Studies have connected transitional justice with the reduction of human rights violations, repression, criminal violence, and the likelihood of recurrence of civil war. Positive impacts in these areas tend to occur when different transitional justice measures are combined, and they depend on the perceived legitimacy of the justice process and contextual factors, such as how a conflict ends and the strength of democratic institutions.⁷ Context is thus critically important to assessing justice or other interventions.

One of the strongest predictors of future atrocity crimes is past atrocities. The UN's Framework of Analysis for Atrocity Crimes identifies a country's record of serious violations of international human rights and humanitarian law, including violations that "have not been prevented, punished or adequately addressed," as a risk factor for further atrocity crimes.⁸ Both quantitative research and country case studies support this finding. The UN Independent International Fact-Finding Mission on Myanmar, for example, recently found that "impunity for gross human rights violations [had] significantly and demonstrably contributed to the validation of deeply oppressive and discriminatory conduct, enabled recurrence of human rights violations and atrocity crimes, emboldened perpetrators and silenced victims."⁹

⁵ Barbara F. Walter, "Conflict Relapse and the Sustainability of Post-Conflict Peace," Background Paper for the 2011 World Development Report (Washington, DC: World Bank, 2010), 3-4, 9-10; Kjersti Skarstad and Håvard Strand, "Do Human Rights Violations Increase the Risk of Civil War?" *International Area Studies Review* 19, 2 (2016): 107-130; World Bank-UN, *Pathways for Peace: Inclusive Approaches for Preventing Violent Conflict* (2018), xxiii.

⁶ UN General Assembly, *Plan of Action to Prevent Violent Extremism, Report of the Secretary-General* (A/70/674, December 24, 2015), par. 3, par. 20.

⁷ Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace Press, 2010); Hunjoon Kim and Kathryn Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries," *International Studies Quarterly* 54, 4 (2010): 939-963; Guillermo Trejo, Juan Albarracín, and Lucia Tiscornia, "Breaking State Impunity in Post-Authoritarian Regimes: Why Transitional Justice Processes Deter Criminal Violence in New Democracies," *Journal of Peace Research* 55, 6 (2018), 787-809; Tove Grete Lie, Helga Malmin Binningsbo, and Scott Gates, "Post-Conflict Justice and Sustainable Peace," World Bank Policy Research Working Paper 4191 (Washington, DC: World Bank, 2007), 17-18; Leigh Payne, Andy Reiter, Chris Mahoney, and Laura Bernal-Bermudez, "Conflict Prevention and Guarantees of Non-Recurrence," Background Paper for UN-World Bank Pathways for Peace study (Washington, DC: World Bank, 2017); Mariam Salehi and Timothy Williams, "Beyond Peace vs. Justice: Assessing Transitional Justice's Impact on Enduring Peace Using Qualitative Comparative Analysis," *Transitional Justice Review* 1, 4 (2016), 96-123.

⁸ UN Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention* (2014), 11.

⁹ UN Human Rights Council, *Report of the Independent International Fact-finding Mission on Myanmar* (A/HRC/39/64, September 12, 2018), paras. 95-99; and UN Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar* (A/HRC/39/CRP.2, September 17, 2018), para. 1565.

Justice as Prevention

Transitional justice can function as a platform for prevention—both directly and indirectly—by increasing trust in government and society, decreasing the willingness of government institutions and non-state actors to use mass violations as a political tool, reducing grievances, helping to identify and tackle structural exclusion and discrimination, and breaking cycles of violence and injustice. As such, transitional justice can be an essential component of a prevention strategy, given that it can penetrate into core structures and habits that allow for mass violations to happen. Current global policy discourse points to this preventive role. UN General Assembly Resolution 70/262 and Security Council Resolution 2282, for example, describe transitional justice as “critical to consolidation of peace and stability...and preventing countries from lapsing or relapsing into conflict.”¹⁰

The European Union Policy Framework on support to transitional justice similarly states that transitional justice is “an integral part of state- and peace-building and therefore should also be embedded in the wider crisis response, conflict prevention, security and development efforts of the EU.”¹¹ And a recent Human Rights Council resolution declares that “fighting impunity for such violations, abuses and crimes is an important factor for their deterrence and prevention.”¹² The *World Development Report 2011* claims that national transitional justice programs are “crucial for sustained violence prevention.”¹³

The 2018 World Bank-UN *Pathways for Peace* report observes that conflict exacerbates social divisions and reduces trust, and that rebuilding this trust is a critical step in preventing further cycles of violence. As a result, “most countries have found it necessary to take some measures toward reckoning with the events of the past to build the trust to move forward.”¹⁴ In a 2018 joint study, the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence and the Special Advisor to the UN Secretary-General on the Prevention of Genocide maintain that transitional justice can “contribute to sustainable peace and security by helping to break cycles of violence and atrocities.”¹⁵

¹⁰ UN General Assembly, Resolution 70/262, 5; UN Security Council, Resolution 2282, 5.

¹¹ European Union, “The EU’s Policy Framework on Support to Transitional Justice,” (2015), 1.

¹² UN Human Rights Council, *Cooperation with the United Nations, Its Representatives and Mechanisms in the Field of Human Rights: Report of the Secretary-General* (A/HRC/33/19, August 16, 2016).

¹³ World Bank, *World Development Report 2011: Conflict, Security, and Development* (2011), 18.

¹⁴ World Bank-UN, *Pathways for Peace: Inclusive Approaches for Preventing Violent Conflict* (2018), 165, 166, 221.

¹⁵ UN Human Rights Council, *Joint Study of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence and the Special Advisor to the Secretary-General on the Prevention of Genocide* (A/HRC/37/65, March 1, 2018), 4, 7, 11.

Inclusive, Legitimate, and Trustworthy Institutions and Beyond

Transitional justice requires an analysis of the factors that contributed to past atrocities and violations, as well as the reform of institutions to prevent the repetition of past crimes. Depending on the context, transitional justice contributes to prevention most directly by making institutions more inclusive, legitimate, and trustworthy. Institutional reform and other guarantees of nonrecurrence can include vetting (removing government personnel responsible for violations); training public employees on applicable international human rights and humanitarian law; amending discriminatory laws; and efforts to prioritize independence and impartiality, increase representativeness among public employees, and create or strengthen mechanisms of oversight within rule of law institutions.¹⁶ Transitional justice practitioners and victims can and should also participate in discussions about security sector reform and its implementation and the integration of former combatants in defense and security forces, as they are critical for nonrecurrence. In 2017, the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence articulated an approach to prevention that includes judicial, legal, and constitutional reforms, but also goes beyond institutions to cover activities of civil society and in the cultural and individual spheres.¹⁷

Other transitional justice processes can facilitate such reform, sometimes more indirectly, in a variety of ways. Truth commissions, for example, in Guatemala, Kenya, Liberia, Peru, Sierra Leone, and Timor-Leste have all addressed institutional problems and recommended reforms. In Tunisia, the Truth and Dignity Commission was mandated to make recommendations for legal, political, and institutional reforms to guarantee nonrecurrence of violations, promote democracy, and reinforce rule of law. In Chile, the Truth and Reconciliation Commission in 1991 recommended the establishment of an Office of the Ombudsman, a proposal reiterated in 2005 by the National Commission for Political Imprisonment and Torture. These recommendations led to the creation in 2009 of the National Institute of Human Rights, which has been a strong advocate for accountability measures and human rights more broadly. In Morocco, the Equity and Reconciliation Commission (IER) identified the main institutional flaws that led to rights violations and recommended concrete constitutional and institutional reforms, most of which were incorporated into the 2011 constitution. Unlike many other Arab Spring countries, Morocco was better prepared to respond to popular demands because it already had, with the IER report in hand, both a diagnosis and solutions on which to draw.

Rebuilding trust between individuals and institutions, to which the above types of reform can contribute, is one element of reconciliation. Another element is restoring trust among individuals

¹⁶ UN Economic and Social Council, *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity* (E/CN.4/2005/102/Add.1, February 8, 2005), Principles 35-38.

¹⁷ UN General Assembly, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence* (A/72/523, October 12, 2017).

and groups within society. These two elements—vertical and horizontal—are related, in that, as the Special Rapporteur has argued, the extent to which people can trust each other as rights holders depends in part on their shared commitments to the norms and values that govern state institutions. In the aftermath of serious and massive human rights violations, transitional justice can contribute to prevention both by increasing the legitimacy of institutions and by “reducing polarization and distrust” among people in mutually reinforcing ways.¹⁸

Rule of Law and Access to Justice

Strengthening the rule of law and increasing access to justice also foster trust and reduce grievances, thereby indirectly contributing to prevention. As explained by the Special Rapporteur, truth-seeking initiatives can expose and remove compromised personnel, recommend the reform of rule-of-law institutions, and catalyze debates about how a society understands the rule of law; reparations can recognize victims’ rights, empower and enable them to exercise those rights, create a sense of inclusion, and reinforce the principle of equality before the law; and prosecutions can demonstrate



A ribbon is cut at the opening ceremony of a small business in Kosovo. The owner, a survivor of conflict-related sexual violence, received a microgrant through UN Women with support from the European Union. (UN Women)

¹⁸ UN General Assembly, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence* (A/HRC/21/46, August 9, 2012), 12; Paul Seils, International Center for Transitional Justice, *The Place of Reconciliation in Transitional Justice: Conceptions and Misconceptions* (2017); Pathfinders for Peaceful, Just and Inclusive Societies, “The Roadmap for Peaceful, Just and Inclusive Societies: A Call to Action to Change Our World” (2017), 19.

Justice as Prevention *continued*

that justice can be achieved, affirm norms, and strengthen domestic judicial systems.¹⁹ The *World Development Report 2011* highlights the role of transitional justice in sending “powerful signals about the commitment of the new government to the rule of law.”²⁰

Transitional justice processes can also provide access to justice for both victims of violations and members of society more generally. The UN Basic Principles on the Right to a Remedy and Reparation, for example, state that victims “shall have equal access to an effective judicial remedy as provided for under international law.”²¹ Importantly, nonjudicial measures of transitional justice, particularly truth commissions, can be justice measures within a broader accountability framework and should therefore be considered as prominent tools in providing access to justice. (Truth-seeking efforts led by civil society and other non-state actors, discussed below, do not play the same role in the acknowledgment of wrongdoing and therefore cannot easily replace state-led efforts.)

Individuals who participate in, benefit from, and witness inclusive and effective transitional justice processes can become more aware of their rights and how to make justice claims. The Special Rapporteur has argued that violations reduce people’s capacity for agency and social coordination, both of which reduce their engagement with institutions, and that transitional justice can help to reverse this course.²² Participatory processes also increase awareness and sensitivity among state actors of what is necessary to acknowledge victims’ experiences and address their needs.

In Colombia, 580,415 people had received reparations from the government by 2016.²³ In Peru, by 2013, almost 2,000 communities had received collective reparations.²⁴ And in Bosnia, 200,000 claims for lost property were processed after the war.²⁵ In both Guatemala and Kenya, truth

¹⁹ UN General Assembly, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, Pablo de Greiff (A/67/368, September 13, 2012).

²⁰ World Bank, *World Development Report 2011: Conflict, Security, and Development* (2011), 125, 251.

²¹ 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* (A/RES/60/147, March 21, 2006), Principle VIII.

²² UN General Assembly, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, Pablo de Greiff (A/68/345, August 23, 2013).

²³ *Cuarto informe al Congreso de la República sobre la implementación de la Ley de Víctimas y Restitución de Tierras*, Comisión de Seguimiento y Monitoreo a la implementación de la Ley 1448 de 2011, Agosto de 2011, 11.

²⁴ Cristián Correa, International Center for Transitional Justice, *Reparations in Peru: From Recommendations to Implementation* (2013), 10.

²⁵ Rhodri C. Williams, “Protection in the Past Tense: Restitution at the Juncture of Humanitarian Response to Displacement and Transitional Justice,” in *Transitional Justice and Displacement*, ed. Roger Duthie (New York: Social Science Research Council, 2012), 91.



commissions recorded testimonies or statements of more than 42,000 victims,²⁶ while in South Africa the commission took testimonies from 21,000 victims, 2,000 of whom participated in public hearings.²⁷ While these figures clearly do not represent the full universe of victims in each context, such statistics do demonstrate both the agency of victims and the access to justice that transitional justice processes provide. But transitional justice also offers lessons about access to justice when dealing with problems of scale—in terms of mass violations involving vast numbers of victims and perpetrators. In these cases, for example, it is generally beyond a society’s capacity to provide material reparations to every victim or to hold accountable everyone who committed or was complicit in crimes. Instead, nonjudicial solutions, symbolic measures such as apologies, and collective reparations can be valuable forms of justice.

Gender Equality

Addressing the gender dimensions of human rights violations is essential to building peaceful and inclusive societies, advancing SDG 5 on gender equality, and preventing violence and violations. Women and girls are often disproportionately affected by individual human rights violations and structural discrimination, although across contexts they are less likely than men to come forward about abuses.²⁸ Research demonstrates a direct relationship, however, between gender equality and resilience to and prevention of conflict.²⁹ When transitional justice includes women, and their rights as beneficiaries and participants are respected, it can help shift discriminatory and patriarchal gender narratives. Well-designed transitional justice processes can empower women and address sexual and gender-based violence and structural discrimination. Such processes could include ensuring quotas for women’s representation in leadership roles, consistent consultation with women to develop and monitor implementation, involvement of dedicated gender experts, policies and procedures for protecting the security and dignity of victims and witnesses, and compensation for travel and child care costs related to participation.³⁰

²⁶ International Center for Transitional Justice, *Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?* (2014), 26, 58.

²⁷ United States Institute of Peace, “Truth Commission: South Africa,” (1995).

²⁸ UN General Assembly, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence on His Global Study on Transitional Justice*, Pablo de Greiff (A/HRC/36/50/Add.1, August 7, 2017), para. 30.

²⁹ UN Security Council, *Report of the Secretary-General on Women and Peace and Security* (S/2018/900, October 9, 2018), para. 7.

³⁰ Radhika Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325* (New York: UN-Women, 2015), 111.

Justice as Prevention *continued*

In 2017, Kosovo³¹ created the Commission for the Verification of the Status of Victims of Sexual Violence to provide reparations, in the form of a monthly pension, to survivors of conflict-related sexual violence. To date, UN Women has provided 177 of these survivors (176 women and one man) with microgrants and psychosocial support to enhance the transformational impact of their reparation benefits, with financial support from the European Union. This pilot initiative was developed through consultation with local women's civil society groups and in response to survivors' identified needs and challenges.

In Guatemala, 15 Maya Q'eqchi' women, accompanied by national and international partners, pursued justice for indigenous women who were systematically raped and endured sexual and domestic slavery by the military in the Sepur Zarco military base during the internal armed conflict. Their case, which reached the highest court in the country, resulted in the groundbreaking 2016 judgment in which two former military officers were convicted of crimes against humanity. The women, known as the "Abuelas of Sepur Zarco," are now advocating for the timely and comprehensive implementation of the verdict's measure for reparations. Many have lauded the measure as potentially transformative because it addresses past denials of the rights to health, education, and access to land.³² Moreover, the verdict has helped empower other women victims of sexual violence, most recently illustrated in the testimonies of victims in the *Molina Theissen* case, related to the disappearance of a 14-year old boy and the rape and torture of his sister by the military in 1981, and the subsequent guilty verdict.

In Tunisia, the "Transitional Justice is also for Women Network," composed of 11 women's groups from across the country,³³ worked alongside Truth and Dignity Commission's Women's Committee to host a series of workshops around the country to build awareness about the commission and the statement-taking process. The initiative resulted in a nearly fivefold increase in the share of statements submitted by women. In May 2016, the network also submitted a collective file to the commission containing 140 testimonies from women about their experiences of discrimination, harassment, ostracization, and other rights violations, particularly as a result of the law known as Circular 108,³⁴ which systematically targeted veiled women, denying them educational and employment opportunities and causing immeasurable suffering and socioeconomic marginalization.

³¹ All references to Kosovo are understood to be under United Nations Security Council Resolution 1244 (1999).

³² UN Women, "Sepur Zarco Case: The Guatemalan Women Who Rose for Justice in a War-torn Nation," October 19, 2018.

³³ International Center for Transitional Justice, "ICTJ and Tunisian Human Rights Groups Launch Network for Inclusion of Women in Transitional Justice Process," September 3, 2015.

³⁴ Salwa El Gantri, International Center for Transitional Justice, "Our Voices Will Not be Silenced: Charting Women's Struggle for Justice in Tunisia," June 21, 2016; Doris H. Gray, International Center for Transitional Justice, "Who Hears My Voice Today? Indirect Women Victims in Tunisia" (2018).

Inequality and Marginalization

Transitional justice can also indirectly contribute to prevention by helping to identify and tackle the root causes of violations such as inequality and marginalization, the focus of SDG 10. Doing so requires responding to violations of economic, social, and cultural rights; addressing the structural injustices and related grievances that often lead to, and are exacerbated by, violence and abuses; and pointing out the responsibility of all actors, including corporations, international institutions, and powerful nation states in current and historical injustices. In 2011, the UN Secretary General stated that the UN “must promote dialogue on the realization of economic and social rights, and provide concrete results through transitional justice mechanisms.”³⁵ Relatedly, the 2014 *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* underscores the transformative potential of reparations in dismantling the structural inequality and discrimination that lie at the heart of sexual violence.³⁶

Other documents link such steps directly to prevention. The 2010 *Guidance Note of the Secretary-General on the UN’s Approach to Transitional Justice* argues that “peace can only prevail if issues such a systematic discrimination, unequal distribution of wealth and social services, and endemic corruption can be addressed in a legitimate and fair manner by trusted institutions.”³⁷ Similarly, in a 2014 publication, the Office of the UN High Commissioner for Human Rights (OHCHR) stated that transitional justice can contribute to the fight against impunity for violations of economic, social, and cultural rights, and to their prevention, by laying the foundations for forward-looking reforms and agendas.³⁸

Many examples exist of transitional justice processes directly addressing issues such as marginalization. In Colombia, for example, a land restitution program was implemented that provides victims reparations in the form of property, vocational training, and social and economic services. The program model incorporates “corrective justice” measures, in line with the UN Pinheiro Principles on Housing and Property Restitution, as well as measures aimed at changing the prior

³⁵ UN Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Report of the Secretary-General* (S/2011/634, October 12, 2011).

³⁶ UN, *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* (2014).

³⁷ UN, *Guidance Note of the Secretary-General on the UN’s Approach to Transitional Justice* (2010).

³⁸ Office of the UN High Commissioner for Human Rights, *Transitional Justice and Economic, Social, and Cultural Rights* (2014).

condition of the victims, including debt relief support, based on the notion of transformative reparations which incorporates the concerns of redistributive justice.³⁹

In the Philippines, under the framework of the peace process, the Transitional Justice and Reconciliation Commission (TJRC) was created. The TJRC was mandated to study and formulate recommendations on issues related to the legitimate grievances of conflict-affected communities in the Muslim-majority Bangsamoro region, including historical injustices, human rights violations, marginalization, and land dispossession. It held broad and inclusive consultations with victims, after which it recommended context-specific mechanisms to address their needs, with a view to promoting healing and national reconciliation.

Memorialization and educational reforms can also address inequality and marginalization. Memorialization projects have been effectively implemented, for example, in Argentina (at a national level) and in South Africa (at a local level) as part of transitional justice programs.⁴⁰ In Timor-Leste, 10 years after the Commission for Reception, Truth and Reconciliation (CAVR) issued its final report, the government created an independent institution, the Chega National Centre (CNC), to implement the recommendations of the CAVR and the recommendations of a subsequent, bilateral truth commission involving Indonesia. The CNC has worked actively with civil society and victims' groups to advance support for victims, promote education about the past, and conduct memorial events and activities. In Central and Latin America, educational reform projects have been designed to address historical injustices faced by marginalized groups and in ways that may help to prevent the recurrence of violence.⁴¹

³⁹ Nelson Camilo Sánchez León, *Dejusticia, Tierra en transición: Justicia transicional, restitución de tierras y política agraria en Colombia* (2017); Aura Bolívar Jaime, Angie Paola Botero Giraldo, and Laura Gabriela Gutiérrez Baquero, *Dejusticia, Restitución de tierras, política de vivienda y proyectos productivos: Ideas para el posacuerdo* (2017); Diana Isabel Güiza Gómez, David José Blanco Cortina, and Camila Andrea Santamaria, *¿Corregir o distribuir para transformar? Una concepción de justicia para la política pública de restitución de tierras en Colombia* (Bogotá: Universidad Nacional de Colombia, 2017); Rodrigo Uprimny, "Transformative Reparations of Massive Gross Human Rights Violations: Between Corrective and Distributive Justice," *Netherlands Quarterly of Human Rights* 27, no. 4 (2009). See also UN Economic and Social Council, *Final Report of the Special Rapporteur, Paulo Sérgio Pinheiro; Principles on Housing and Property Restitution for Refugees and Displaced Persons* (E/CN.4/Sub.2/2005/17, June 28, 2005).

⁴⁰ Kerry E. Whigham, "Remembering to Prevent: The Preventive Capacity of Public Memory," *Genocide Studies and Prevention* 11, 2 (2017): 53-71; Kerry E. Whigham, "Constructing Prevention: An Exploration in Building Memorials that Prevent," in *Societies Emerging from Conflict*, ed. Dennis B. Klein (Cambridge: Cambridge University Press, 2015).

⁴¹ Clara Ramírez-Barat and Roger Duthie, International Center for Transitional Justice, *Education and Transitional Justice: Opportunities and Challenges for Peacebuilding* (2015).

Corruption

Transitional justice can also expose illicit financial flows and corruption and help to strengthen systems for the recovery and return of stolen assets. Transitional justice should engage with the donor community to influence its policies on post-conflict reconstruction in order to ensure that allocated resources are not hijacked and that victims have a say. Truth commissions in countries such as Chad, Kenya, Liberia, Sierra Leone, and Tunisia have tackled corruption and economic crimes. In Guatemala, in response to the demands of civil society, the public prosecutor, with the accompaniment of the International Commission Against Impunity in Guatemala (CICIG), an independent international body created through an agreement between the United Nations and the government, has confronted the country's legacy of impunity by taking on high-level corruption and organized crime and promoting institutional reforms. In recent years, the nexus between corruption and human rights violations has come to light; the same criminal networks are often involved in both types of crimes. Regardless of the current challenges faced by CICIG, it has inspired the Organization of American States to create a similar body, the Support Mission Against Corruption and Impunity, in Honduras.



Attendees gather at a public hearing of the Aceh Truth and Reconciliation Commission in Indonesia, where victims of human rights violations committed during the 1976-2005 conflict in Aceh gave testimony. (Bimo Wicaksono/Asia Justice and Rights)



Resolving Justice Problems

Context-Specific Innovation

If transitional justice is to contribute to sustainable development, it must be context specific. This means, above all, that victims, affected communities, human rights and justice advocates, youth, and civil society—including religious, educational, women's, and cultural groups—are allowed the political space and provided the technical support needed to meaningfully advocate for, shape, and participate in transitional justice processes. It also means that the government, in a leadership or supporting role, acknowledges and actively engages them in all stages of the process. Justice cannot be limited to top-down interventions run by national state institutions; it must include bottom-up initiatives led by local governments, civil society, or both. Context-specific approaches to transitional justice are crucial to fostering access to justice and inclusive institutions and can help to resolve a range of justice-related problems.

In Colombia, the National Center of Historical Memory (CNMH) helped establish the first memory archive and documentation center of an indigenous community in Colombia. Together with the Arhuaco community of the Sierra Nevada de Santa Marta, the CNMH has undertaken archives mapping, recovered and organized records, collected testimonies involving human rights abuses, documented the war's repercussions on the community, and supported the transitional justice process in Colombia. In El Pato, a different region of the country, a local farmers' association implemented a collective memory project that also includes a collection of testimonies. The project has helped create a collective historical narrative about the region, its exclusion, and the impact of the armed conflict. It has strengthened the sense of identity and belonging among residents, gathered information on harms suffered, and established a basis for proposing collective reparations and development. The narrative has also been used to design educational materials for local schools.

In Indonesia, after 10 years of dedicated advocacy by civil society organizations, a permanent local truth commission was established for the Aceh province. The truth commission seeks to disclose the truth about past human rights abuses in the province, promote reconciliation between victims and perpetrators, and recommend comprehensive reparations for victims. Statement-taking that is sensitive to the local context is now underway throughout the province. Also in Indonesia, 12 community learning centers have been established to prevent the recurrence of human rights violations and promote reconciliation. They have conducted classes and trainings on tolerance and inclusion, hosted discussion groups, coordinated tours to sites of remembrance, and carried out activities designed to increase understanding and accountability.

In Nepal, the 2015 constitution, the transition to federal democracy, and the devolution of powers have given local governments a bigger role in responding to and prioritizing the specific needs of conflict victims and advancing transitional justice. These local authorities are often more

Resolving Justice Problems *continued*

knowledgeable and responsive than national authorities and can help to increase access to justice and inclusion and reduce marginalization.

In Côte D'Ivoire, a youth coalition, Réseau Action Justice et Paix, consulted with young people and encouraged discussion about the role that youth played in past political violence, including the social and economic conditions contributing to their vulnerability to manipulation. One hundred ninety-six young people, including 117 women, participated. The initiative was aimed at developing policies to prevent youth from being used in violence and human rights abuses and included a final report. The report's recommendations were shared with policymakers.

In 2012, the Tunisian government created a technical commission to help oversee a national consultation and draft the Transitional Justice Law, and the Ministry of Human Rights and Transitional Justice ensured that all the major civil society groups were represented in the commission. In Asia, the Transitional Justice Asia Network (TJAN) brings together and supports transitional justice experts and organizations in the region, so that they can better lead national and regional efforts to advance justice and accountability, combat impunity, and defend victims' rights. TJAN includes over 60 experts from 10 countries and has served as a critical forum for sharing information and strategies.

In Kenya, the National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all Forms of Discrimination is composed of representatives of both governmental institutions and civil society organizations. The committee's most ambitious program to date is the creation of the Never Again Memorial in Nairobi. The memorial will host training workshops on preventing the recurrence of post-election violence and related atrocities. The committee's programs have had a real impact on very different sectors of society, and they often lead to institutional reform.

Local justice and reconciliation practices draw on community beliefs, norms, and traditions. In countries such as Burundi, Mozambique, Rwanda, Sierra Leone, Timor-Leste, and Uganda, these local practices (often referred to as "traditional justice") have been used to address massive human rights violations. While these local practices can raise concerns about due process, gender and other discrimination, and community power dynamics, they are often seen to have more legitimacy and to be more accessible than more formal, state institutions. They may also be particularly appropriate in contexts of horizontal violence—violence committed by and among people and groups rather than by the state—because they tend to focus on social relationships and trust.⁴²

⁴² Lisa Denney and Pilar Domingo, "Local Transitional Justice: How Changes in Conflict, Political Settlements, and Institutional Development are Reshaping the Field," in *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, ed. Roger Duthie and Paul Seils (New York: International Center for Transitional Justice, 2017), 202-233.



Victim Participation

In contexts of massive human rights violations, the scale of the injustice itself means that the participation of victims in the design, implementation, and operation of transitional justice processes is critical to ensuring local ownership, legitimacy, and effectiveness, and thereby access to justice. The process by which victims participate in transitional justice should be culturally sensitive and treated as a political one rather than a technical exercise alone, as it can involve security concerns, political pressure, continued discrimination, economic costs, and risks of retraumatization for victims. In order to avoid further marginalizing and disempowering victims, transitional justice must incorporate the inclusive participation of victims throughout the entire process—design, implementation, and follow-up—and provide victims with the space and support, including psychosocial support, necessary for them to function as principal actors in shaping that process.⁴³

In Tunisia, the Truth and Dignity Commission sought to ensure the participation of civil society and victims' organizations in the collection of complaints, documents, and evidentiary materials required to investigate rights violations, and in the elaboration of a reparations program through a national consultation involving thousands of victims. In Guatemala, civil society organizations, with the support of, among others, OHCHR, UNDP, and UN Women, developed a multi-level strategy to secure reparations for victims of the sexual violence in the *Sepur Zarco* case. The strategy included putting victims at the heart of the process by, among other things, designating certain victims as “ambassadors” of each reparation measure.

In Morocco, a collective reparations program has helped to integrate regions whose inhabitants have been historically marginalized and have suffered from widespread violations as a result of deliberate policies to deprive them of development programs and infrastructure as a form of collective punishment. The program established local coordination committees in each affected community to allow the local population and civil society to directly participate in its design and implementation. The approach has introduced participatory practices at the local level and developed and reinforced the role of civil society in remote and disenfranchised areas.

Stability and Political Settlements

Transitional justice can also help to resolve tensions between the risks of short-term instability and the potential of long-term prevention of violence and transformation. If, as it has been argued,

⁴³ Impunity Watch, ‘Restricted Access:’ Promises and Pitfalls of Victim Participation in Transitional Justice Mechanisms (2017); Human Rights Council, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence* (A/HRC/34/62, December 27, 2016).

Resolving Justice Problems *continued*

stabilizing violent conflict depends on the allocation of benefits, opportunities, and resources in society being consistent with the underlying distribution of power, then excluding elites linked to human rights violations may make political settlements unstable in the short term. That said, including those elites in the transition may allow violence to persist in the long term.⁴⁴ Recent research shows that amnesties, which are frequently a part of peace negotiations, differ in terms of the extent to which they foster inclusion or exclusion and their contribution to sustainable peace depending on their design and the context.⁴⁵

Political settlements, however, evolve and become more inclusive in response to advocacy for transitional justice and as space opens up for it. As a 2018 study on stabilization found, while transitional justice is political and can be instrumentalized by elites, in the long run “the experiences of transitional justice show that ideas, beliefs and notions of legitimacy can play a significant role in building inclusion within, or conversely, unsettling ruling coalitions. Transitional justice provides a language and a narrative that can and has proven to be empowering, and a useful tool to build vertical inclusion.”⁴⁶

In Guatemala, for example, a shifting distribution of power eventually allowed for some long-term transitional justice. A vibrant civil society, the prosecutor general’s office, and judges, with technical support from the international community, brought about this change, although the recent pushback against these positive results highlights the need for long-term international political support. In The Gambia, preserving peace in the current transition requires reassuring all sides of the ethnic and political divide, especially supporters of the former president, that stability will persist, and victims that justice will be dispensed through due process of law and the rights of all Gambians will be respected.

Long-Term Change

Transitional justice can also help to dispel the misconception, often put forth by governments, that justice is about the past and development is about the future. In contexts where serious and massive human rights violations have been committed, sustainable development and peace require addressing the legacies of the past, while achieving justice calls for a forward-looking vision in which the past does not repeat itself. Even in places where transitions have taken hold, past violations—and whether or not they were addressed—can lead to or manifest as current violations, violence (including sexual or

⁴⁴ Christine Cheng, Jonathan Goodhand, and Patrick Meehan, *Elite Bargains and Political Deals Project*, United Kingdom Stabilisation Unit, “Synthesis Paper: Securing and Sustaining Elite Bargains that Reduce Violent Conflict” (2018).

⁴⁵ Louise Mallinder, Global Justice Academy, University of Edinburgh, *Amnesties and Inclusive Political Settlements*, PAX-Report, Transitional Justice Series (2018).

⁴⁶ Cheng, Goodhand, and Meehan (2018), 71-75.



gender-based violence), repression, corruption, violent extremism, and impunity. It is often the case that perpetrators cease to commit massive violations, but the factors that made the violations possible in the first place may persist.

If transitional justice processes are to contribute to sustainable development, they are likely to do so by identifying the need and mobilizing support for the reform of state institutions and national justice systems so they are more trustworthy and inclusive and in line with international human rights norms and standards; shaping in modest ways and affirming cultural values and norms that contribute to a respect for the rule of law and human rights; creating space and fostering a conducive environment for civil society; repairing past harms; and gradually tackling inequality and marginalization. Transitional justice processes can maintain their exceptional nature while at the same time contribute to broader change. Transitional justice practitioners must therefore take steps to connect special or ad hoc mechanisms to more permanent institutions such as the national justice system and national institutions or networks for atrocity prevention and to other areas of public policy such as development and security.

In Sudan, civil society organizations have brought strategic litigation cases to the African Commission on Human and Peoples' Rights, which has issued several decisions finding that the authorities had engaged in torture and then failed to properly investigate the crime or provide reparation. Civil society is also involved in the implementation of those decisions, which requires reforming criminal law and procedures to prevent torture and empower victims to bring forth their claims of ill-treatment. These reforms advance the country's development, as they involve structural changes to justice system and security sector, and ultimately lead to increased access to justice and reinforces the rule of law. They also challenge impunity, by helping bring about accountability for international crimes, including through cooperation with the International Criminal Court. Civil society also engages with the African Union, encouraging it to apply political pressure on the Sudanese government to pursue such reforms, and it works with national human rights bodies to implement institutional reform.

In Argentina, transitional justice has been part of a long-term reconfiguration of the legal and political culture of human rights and has helped set examples for a new type of public deliberation. Since the dictatorship, the people of Argentina have begun to express their needs and interests in the language of rights and to create organizations that advocate for those rights. The criminal prosecution of perpetrators of human rights violations, the creation of the National Commission on the Disappeared, the signing of international treaties of human rights, and constitutional reforms have all contributed to broader institutional and legal reforms. They have also improved the public's access to information, the use of archives, and the preservation of documents, and have led to the creation of national and regional atrocity prevention networks and programs and art and memory projects.



Support from the International Community

The international community, including the UN, donors, international organizations, and international courts, can engage with domestic transitional justice processes in ways that enhance the contribution of those processes to development targets. External support can take different forms, including technical assistance, financial or material aid, and political backing. Political support can be as important as financial or material support but can also be more difficult to maintain in the face of opposition or lobbying from actors resistant to domestic justice processes. Providing consistent support over longer stretches of time, often in the face of opposition and social fragmentation, and without clear evidence of short-term impacts, is challenging but crucial to achieving the long-term goals of transitional justice.⁴⁷

The international community should not rush local stakeholders into using purely technical or template approaches to transitional justice, which fail to take account of local political, social, and cultural dynamics. Not imposing such approaches helps minimize problems of legitimacy and fosters context-specific and innovative strategies based on local priorities, knowledge, capacity, and political dynamics. It minimizes the risks of promoting double standards, pushing external agendas, exacerbating inequalities, and marginalizing local knowledge and capacity.⁴⁸ Successfully implementing transitional justice processes also requires a profound change of attitude throughout society, which is all the more challenging after decades of repression or conflict. International actors should therefore seek to play the role of enablers rather than implementers.

International cooperation can include helping to lay the groundwork for domestic processes, sharing institutional authority in hybrid structures, providing technical assistance and building capacity, and collaborating with local actors.⁴⁹ International actors can play a role in outreach, spearheading or supporting efforts to disseminate information and give access to the public at every stage of the process, providing comparative experiences from other contexts to stimulate thinking about local processes, and advocating for compliance with international human rights norms and standards, including through trial monitoring. The International Criminal Court can assist complementarity by sharing information, public policies, and statements from the Office of the Prosecutor and through country visits to maintain pressure on national authorities to advance national proceedings and exercise universal jurisdiction.

⁴⁷ Tibi Galis and Jack Mayerhofer, Friedrich-Ebert-Stiftung, *Making 'Never Again' a Reality: What Germany Can Contribute During Its Next Term in the Security Council Toward Preventing Mass Atrocities* (2018).

⁴⁸ Vasuki Nesiah, Impunity Watch, *Transitional Justice Practice: Looking Back, Moving Forward: Scoping Study* (2016).

⁴⁹ Ibid.

Conclusion

Massive and serious human rights violations create conditions in which extraordinary interventions are required to achieve justice and sustainable peace and development. This report argues that transitional justice exemplifies such extraordinary responses and therefore can make a crucial contribution to realizing SDG16+.

By making institutions more legitimate and trustworthy, decreasing distrust within society, reducing marginalization and corruption, and promoting gender equality, context-specific and innovative transitional justice responses to mass violations can help prevent the recurrence of human rights violations and violent conflict. The examples provided throughout the paper are meant to be illustrative, as they represent only a small sample of the many responses to injustice.

But the contribution of transitional justice is not guaranteed: It requires a vision for long-term change, an understanding of the political nature of justice, and not least local solutions. The international community can, with the right approaches, support transitional justice and its contribution to sustainable peace and development. The Working Group on Transitional Justice and SDG16+ hopes to bring to the attention of the Task Force on Justice, UN member states, and policymakers and donors more broadly the value of transitional justice in making sure the SDGs do not leave behind communities and societies dealing with the legacies of massive human rights violations.



Members of Réseau Action Justice et Paix (Justice and Peace Action Network), a youth organization in Côte d'Ivoire, participate in a workshop led by ICTJ as part of a public consultation on youth involvement in political violence in the region. (ICTJ)

FRONT COVER IMAGES

From left: Victims testify at the first public hearing of Tunisia's Truth and Dignity Commission. (Truth and Dignity Commission, Tunisia). A ribbon is cut at the opening ceremony of a small business in Kosovo. The owner, a survivor of conflict-related sexual violence, received a microgrant through UN Women with support from the European Union. (UN Women). Attendees gather at a public hearing of the Aceh Truth and Reconciliation Commission in Indonesia, where victims of human rights violations committed during the 1976-2005 conflict in Aceh gave testimony. (Bimo Wicaksono/Asia Justice and Rights). Members of Réseau Action Justice et Paix (Justice and Peace Action Network), a youth organization in Côte d'Ivoire, participate in a workshop led by ICTJ as part of a public consultation on youth involvement in political violence in the region. (ICTJ).

BACK COVER IMAGE

Hundreds of victims and members of survivor groups and local organizations commemorate the annual Day of Dignity for Victims of the Internal Armed Conflict in Guatemala on February 25, 2019. (Cristina Chiquin/Impunity Watch).

On Solid Ground

Building Sustainable Peace and Development
After Massive Human Rights Violations

