



A policy brief

The Transitional Justice Barometer: Using the outputs

Introduction

The Transitional Justice Barometer was a two year research project, a collaboration between the Centre for Applied Human Rights at the University of York, Impunity Watch and the Kawakibi Democracy Transition Center (KADEM). It sought to do empirical research that could both impact positively on Tunisia's transitional justice process (TJ) and inform the global TJ practice through academics publications. It built capacity in creating and training a research unit within KADEM, and supported victim communities to both contribute to knowledge production around the transition and support the participation of their communities in the process.

Research conducted by the Barometer aimed to be credible, relevant and actionable, offering high quality input that was usable by all stakeholders engaged by the TJ process. The project conducted four studies that have been published over the two years up to November 2016:

- Victim Participation in Tunisia's Transitional Justice process
- The "victim zone" and collective reparations in Tunisia: Ain Draham and Sidi Makhlouf: "So rich and yet so poor"
- Contrasting notions of history and collective memory in Tunisia: The teaching of recent history and the figure of Bourguiba today
- Research and transitional justice in Tunisia

This briefing summarises the recommendations of the studies to offer a compact guide to stakeholders seeking to apply the lessons of the research. Whilst a few of the original recommendations have been overtaken by events, most are as relevant as ever.

1. For the attention of the IVD

Victim Participation in Tunisia's Transitional Justice process

- Ensure that the IVD and the mechanisms linked to transitional justice promote greater inclusion of victims in the process, and support the broadest possible participation of civil society associations who accompany them;
- Conceptualise and standardise a clearer method of and regular communication channel between the IVD and civil society, adapted to the areas where complementarity is possible (data collection data, monitoring, representation, advocacy, outreach, and support to victims);
- Consider the collaboration between the IVD and civil society in a complementary and not hierarchical manner;
- Deepen relations between the IVD and victims to better understand their own perceptions and needs in the process, and to be able to evaluate in a continuous and reflexive manner the performance and results of the work of the IVD;

- Accelerate the establishment of a final list of all victims, to counter perceptions of "false victims" and their stigmatization, and thus guarantee their recognition at national level;
- Facilitate access to mechanisms of transitional justice by simplifying the procedure of depiction before a single mechanism and not a multiplicity of separate bodies;
- Clarify and make known its mandate, in particular to encourage the participation of marginalized victims (victims of sexual or gender-based violence, victims of economic violations);
- Build on the basis of conclusions provided by preceding mechanisms of transitional justice, including commissions of investigation and reparation programmes to avoid any duplication which helps to feed stigma and doubts around victims;
- Develop a communication strategy dedicated to marginalised groups, using a simplified or illustrated language, and through the available means of communication, including radio and social networks;
- Ensure the preservation of the memory of the victims as a symbolic reparation to counter the dominant perception that reparations are only financial;
- Accelerate the implementation of public hearings and taking of testimony with unique forms, especially for victims in urgent need;
- Guarantee specific measures to collect the narratives of female victims particularly in regions and among groups that are marginalized and linked with associations of women victims benefitting from their trust within the community;

The "victim zone" and collective reparations in Tunisia: Ain Draham and Sidi Makhlouf: "So rich and yet so poor"

- The notion of the victim zone must be understood as including any area within which a population shares a common experience of marginalization, whether or not this corresponds to administrative borders;
- Victim zones should not only be recognized through the formal process of submission to the IVD, but also more proactively, by a search for truth led by the Commission beyond the legal time limit for submission to the IVD;
- The participation of communities should be valued at each stage of the reparations process, including through the organization of public hearings in which residents can voice their needs and narrate their experiences;
- Existing differences within affected zones must be considered in the development of reparations programs, to avoid creating new forms of marginalization;
- The implementation of reparations, including through development programmes, should not be done in a way that creates new tensions with other areas or regions that have not benefited;
- To ease social tensions, the IVD should quickly organize public hearings and broadcast these on national television, to place again at the heart of public debate issues related to cronyism, corruption and nepotism. This awareness should, in itself, be a powerful advocacy tool to activate and implement the mechanisms provided for by the transitional justice law, particularly concerning arbitration and reconciliation;
- The IVD must thoroughly investigate the forms, causes and effects of the marginalization of regions, at the political and economic level, with the support of civil society and the regions concerned, in an open and public manner;

Research and transitional justice in Tunisia

- The mechanisms of transitional justice, particularly the TDC, should articulate a clear research agenda and encourage partnerships, national or international, with specialised research institutions. This work will be important for the intellectual solidity of the TDC Final Report and its applicability.

2. For the attention of civil society

Victim Participation in Tunisia's Transitional Justice process

- Facilitate and strengthen the role of victims' associations as an intermediary between victims and the IVD, particularly by reducing the gap and inequalities between the regions and the capital;

- Pursue and facilitate sensitisation closer to the population in connection with the IVD but also in an independent manner, for example via the creation of an Observatory for Transitional Justice;
- Complement official mechanisms by providing adequate support to victims, especially women and vulnerable groups;
- Ensure representation of women at all decision-making levels;
- Make advocacy for listening to and offering specific support to women in the IVD;
- Reduce the perception of politicisation or partiality by working with all categories of victims and thus ensuring greater representativity;
- Strengthen their presence outside Tunis and especially in historically marginalized areas, directly or by working more closely with local civil society partners ("platforms").

3. For the attention of the international community

Victim Participation in Tunisia's Transitional Justice process

- Ensure that civil society organizations are funded and supported to best fulfil their role as an intermediary between victims and the mechanisms of transitional justice, strengthening the capacities of associations of victims in particular, and encouraging them to work in all regions of the country;
- Support civil society organizations in their role of monitoring the process, including supporting the Observatory for Transitional Justice;
- To benefit the members of the IVD with examples of good practice and international experience concerning listening to female victims and consideration of gender-based violence;
- Promote accessible and simplified sensitization that reaches all victims especially those who are marginalized, and living outside the capital, as well as vulnerable groups and the illiterate;
- Make advocacy to support the establishment of a coordination mechanism for all instances related to transitional justice to facilitate the access of victims to the mechanisms;
- Disseminate widely the principles and standards on the rights of victims and their definition to counter negative perceptions and stigmatization;
- Challenge the politicisation of the process by empowering victims beyond their identities as Islamist or secular, through support to organisations that do not articulate such an identity-based politics.

4. For the attention of the Tunisian authorities

The "victim zone" and collective reparations in Tunisia: Ain Draham and Sidi Makhlouf: "So rich and yet so poor"

- The state must formally recognize its role and responsibility in the history of the marginalization of these zones. This recognition should adopt a form and be on terms determined by the affected communities, through extensive consultations;
- The currently ongoing decentralization process should be more explicitly linked to the reintegration and opening up of inland regions, and the new local structures in place must be seen more clearly as also constituting forms of collective reparation;
- The new local and devolved administrations should try as much as possible to use participatory modes of governance, particularly in budgeting and monitoring of public expenditure;
- The opening up of marginalized areas also depends on economic recovery at the national level: it is important to stop the political bickering that still hinders the implementation of development programmes and the fight against corruption;
- Political elites must understand the interest that transitional justice can represent for them; an enhanced IVD capable of carrying out its tasks, including in economic matters, can indeed contribute to reducing the spiral of radicalization of youth, soothe social tensions, rebuild broken institutional trust, and thus boost growth.

Contrasting notions of history and collective memory in Tunisia: The teaching of recent history and the figure of Bourguiba today

- Teach recent history and focus on the transitions experienced by Tunisia, including the revolution and the period of Ben Ali;
- Teach elements of historical memory hitherto ignored or marginalized, especially in the fight for independence and the oppression of figures opposed to Bourguiba;
- Teach local and regional histories, and not only national;
- Highlight the historical tensions and different interpretations of history by promoting nuance and critical analysis by students, to fight against any political exploitation of the past;
- Teach history other than the political, including the social, cultural and economic history;
- Put the teacher at the heart of reform, by promoting training and by making him a key figure in history.
- Set new goals for the teaching of history, including the formation of civic and critical thinking, and encourage discussion, participation and debate in class;
- Adopt new methods of teaching history, including mobilizing new technologies or using oral testimonies and 'lived' history;
- Preserve the memory of lesser known local or regional events or people, to break with the centralization of Tunisian history, and to contribute to challenging the symbolic marginalisation of these regions, including through the creation of museums and festivals of remembrance in these areas;
- Preserve the memory of groups and institutions, not just that of individuals;
- Preserve everyday memory, the memory of 'ordinary' people, of daily and popular culture, and use that living memory to support the understanding of contemporary history;
- Actively link the teaching of history to the transitional justice process, in particular the search for truth, and involve teachers early on in the development and dissemination of the work of the TDC in this area;
- Cooperate with the associations of civil society on the ground and relevant state institutions to promote a new understanding of history, including through the writing of reformed textbooks.

5. For the attention of academics and researchers

Research and transitional justice in Tunisia

- To counter the predominance of the legal field, which may wrongly promote an exclusively legalist vision of transitional justice, other disciplines should be encouraged (including through special research programmes in universities, or through institutional collaboration and the organization of seminars) to work on the subject. This concerns in particular studies in psychology, economy, anthropology, political sociology, and philosophy.
- Despite some existing interest in Transitional Justice, historians should be mobilized and supported, through their research on contemporary history, the work of the IVD and Special Tribunals, in placing violations in a structural context and challenging attempts to reinvent the recent past.
- Research on transitional justice must be decentralized and involve more regions, including the creation of research centres in marginalized areas and organization there of intellectual activity to encourage better distribution of work.
- Bridges between academics and practice exist, which must be strengthened, in order to encourage researchers to give their work value and applicability and to have greater impact on the current process. This should allow civil society to better articulate their needs in the matter of research and encourage researchers and donors to be able to effectively respond.
- Researchers on transitional justice in Tunisia should ensure that their work is accessible to the greatest number, in terms of publication format and language (i.e. in French, but especially in Arabic).
- English language publications are still too inaccessible and poorly known in Tunisia, where they remain largely inaccessible due to sitting behind paywalls. Better access for Tunisian researchers should be envisaged so that these works do not appear as alien to the context to which they relate.