

Toward

Victim-Centered

Change

**Integrating Transitional Justice into
Sustainable Peace and Development**

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2023 Report of the Working Group on Transitional Justice and SDG16+

The Working Group on Transitional Justice and SDG16+

The Working Group on Transitional Justice and SDG16+ promotes transitional justice as an integral element of the 2030 Agenda on Sustainable Development. It operates as part of the Justice Action Coalition (JAC), an international policy platform that champions equal access to justice for all and works to close the global justice gap. Convened by the International Center for Transitional Justice, the Working Group brings together civil society, national governments, regional actors, and international organizations to mobilize support for the 2023 Justice Appeal, which calls for the reestablishment of trust and the renewal of the social contract, by coordinating data and evidence, promoting learning and exchange, and strengthening support for people-centered justice. The Working Group emphasizes the importance of focusing on those who find it hardest to access justice, including victims of massive human rights violations, and examining local and national practices and measures that maximize the value of transitional justice. The Working Group is grateful for the support of the Ministry of Foreign Affairs of the Kingdom of The Netherlands.

Contributing Institutions

The following institutions contributed to this report of the Working Group on Transitional Justice and SDG16+: Asia Justice and Rights; Centre for the Study of Violence and Reconciliation; Cordaid; Global Learning Hub for Transitional Justice and Reconciliation; Impunity Watch; International Center for Transitional Justice; International Development Law Organization; The International Network of Victims and Survivors of Serious Human Rights Abuses (INOVAS); Justice Sector Coordination Office, Office of the Attorney General and Minister of Justice, Republic of Sierra Leone; Ministry of Foreign Affairs of the Kingdom of The Netherlands; Ministry of Foreign and European Affairs, Government of the Grand Duchy of Luxembourg; Office of the United Nations High Commissioner for Human Rights; Pathfinders for Peaceful, Just and Inclusive Societies; Proyecto Plancondor.org; Rockefeller Brothers Fund; Swiss Federal Department of Foreign Affairs; swisspeace; UNDP; UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, Fabián Salvioli; UN Women; Victims and Witnesses Section of the Registry of the International Criminal Court; and World Justice Project.

Executive

Summary

It is now generally recognized by the international policy community that transitional justice represents an important element of sustainable peace and development agendas. Legacies of serious and massive human rights violations create specific challenges for societies in preventing the recurrence or onset of violent conflict and in improving people's lives and well-being. Efforts to address the causes and consequences of such violations can therefore help to close the global justice gap, especially in countries affected by systemic violence, repression, and marginalization. The 2030 Agenda for Sustainable Development establishes a broad framework for understanding where transitional justice can contribute to development, including Sustainable Development Goal (SDG) 16 on peaceful, just, and inclusive societies, SDG 5 on gender equality, SDG 10 on equality, and SDG 17 on partnerships.

Despite this recognition, transitional justice often remains inadequately understood and integrated into policies and practices at the international, regional, national, and subnational levels to promote development. The UN Human Rights Council (HRC), the UN Security Council, and regional actors, such as the African Union and European Union, have in recent years increasingly acknowledged the potential contribution of transitional justice to development along with specific pathways for creating change.

Transitional justice's potential to bring about actual change, however, is far from fully realized. In terms of support, implementation, and sustained engagement with the reforms that it can catalyze, transitional justice often falls short as an element of development. This report aims to help facilitate the realization of this potential, building on current policy discourse and moving it forward in substantive ways by bringing together and analyzing relevant experiences, practice, and insights from a range of stakeholders.

The SDG framework includes broad development areas and targets where transitional justice can potentially make a difference, including access to justice, rule of law, inclusive institutions, violence prevention, curbing corruption, education, access to information, gender equality, and equality. The specific pathways through which transitional justice can make a difference have been identified to include increasing agency, empowerment, social trust, and inclusion, as well as addressing and transforming the structural causes or drivers of serious violations.

However, transitional justice's contributions to achieving development in these ways is not assured. It depends on the approach that is taken to pursue its

goals, including the extent to which the process is designed and implemented to be context specific, comprehensive, centered on victims, participatory, gender sensitive, innovative, politically feasible, and transformative in its ambitions. Examples of issues that cut across these elements and that are gaining prominence in the field of transitional justice include mental health and psychosocial support (MHPSS) and access to information.

Given transitional justice's potential contributions, it should be better integrated into development agendas, including by establishing specific links in practice and policy. Reparations, for example, can provide social services and infrastructure to victims and affected communities, while psychosocial support for victims can be integrated into livelihood projects. Further, development plans can incorporate the goals set out in truth commission recommendations and help to report on progress and the continuing needs and priorities of victims.

Leveraging these types of connections depends on making a convincing case to those in charge of both transitional justice measures and development policy of the value of integration. This can involve both conceptual arguments and sharing data that demonstrates impact—which is an ongoing, complex challenge. But it can also draw on examples of cases where a clear relationship exists between violations and structures, showing a clear need to respond to both. Further, because the obstacles to transitional justice are political (extending beyond conceptual arguments and evidence of impact), progress toward creating real change depends on mobilizing sustained support from relevant actors and stakeholders, including political actors, the general public, and civil society.

Applying a development lens to transitional justice means taking a broad view of the relevant actors and stakeholders and the scope and complexity of the problems being addressed. It provides an opportunity to draw useful connections and adopt a more strategic approach, recognizing that some strategies may be more effective than others. At the same time, being strategic should not be taken to mean operating in a purely instrumental manner; it is always important to center and keep sight of the inherent value of addressing violations from a human rights perspective.

This report seeks to contribute to a more strategic approach to integrating transitional justice and sustainable development. It aims to inform policy discussions at the 2023 SDG Summit and beyond, drawing on the work and experience of members of the Working Group on Transitional Justice and SDG16+ and building on ongoing discussions. It draws attention to three general strategies that can improve transitional justice processes by making them more victim centered and participatory and, at the same time, enhance their potential contribution to development goals:

1. Increasing collective action among victims' groups and networks, civil society, and broader social and political movements can help to generate the advocacy, mobilization, and support needed to address immediate harms and transform structures of exclusion and inequality toward inclusion and equity.
2. Incorporating transitional justice into responses at multiple levels—local, national, regional, and global—and through both formal and informal institutions can serve to more effectively address the scope and complexity of development problems such as displacement, sexual and gender-based violence (SGBV), and psychosocial harm.
3. Adopting a long-term perspective on the operationalization and impact of transitional justice can help to maintain the support and levels of engagement necessary to enhance transitional justice's role in bringing about meaningful change, including through implementation of truth commission recommendations and a sustained focus on reparations for victims and affected communities.

We encourage states, regional actors, international organizations, and civil society at all levels to employ and support these strategies, while promoting transitional justice as an important element of sustainable peace and development.

This report is by the Working Group on Transitional Justice and SDG16+, which operates as part of the Justice Action Coalition (JAC), an international policy platform that champions equal access to justice for all and works to close the global justice gap. The report is one of the JAC's 10 deliverables in 2023.¹ The Working Group brings together civil society, national governments, regional actors, and international organizations to mobilize support for the 2023 Justice Appeal, which calls for the reestablishment of trust and the renewal of the social contract, by coordinating data and evidence, promoting learning and exchange, and strengthening support for people-centered justice. The Working Group emphasizes the importance of focusing on those who find it hardest to access justice, including victims of massive human rights violations, and examining local and national practices and measures that maximize the value of transitional justice.

¹ "On 11 November 2021, the senior level meeting of the Justice Action Coalition discussed increased collaboration in the lead up to the 2023 SDG Summit. The agreed Joint Action Plan includes a list of national and international priorities as well as joint deliverables." Justice Action Coalition, "Joint Deliverables of the Justice Action Coalition," 2023.



Integrating Transitional Justice and Development

It is now generally recognized by the international policy community that transitional justice represents an important element of sustainable peace and development agendas. Legacies of serious and massive human rights violations create specific challenges for societies in preventing the recurrence or onset of violent conflict and improving people's well-being. Efforts to address the causes and consequences of those violations can help to close the global justice gap, especially in countries affected by systemic violence, repression, and marginalization. The 2030 Agenda for Sustainable Development establishes a broad framework for understanding where transitional justice can contribute to development, including under Sustainable Development Goal (SDG) 16 (peaceful, just, and inclusive societies), SDG 5 (gender equality), SDG 10 (equality), and SDG 17 (partnerships).

The potential for transitional justice to contribute to sustainable peace and development has been acknowledged at the international policy level. The HRC stated in 2022, "The fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities or similar violations and contribute to sustainable peace and development."¹ While the SDGs themselves do not refer to massive human rights violations, they include broad areas in which transitional justice can make a difference, including the rule of law, access to justice, inclusive institutions, violence prevention, corruption, education, access to information, gender equality, and equality more generally.²

The specific pathways through which transitional justice can make such a difference have been identified as comprising the following: increasing agency, empowerment, trust, social coordination, and inclusion and identifying and addressing the causes or drivers of serious violations, including issues related to health, education, and access to land and other resources.³ In this regard, the UN Secretary-General's 2023 New Vision for the Rule of Law connects a holistic

1 UN Human Rights Council, "Human Rights and Transitional Justice," Resolution A/HRC/51/23, September 30, 2022, 2. See also UN General Assembly, Resolution 70/262, 5; UN Security Council, Resolution 2282, 5; World Bank-UN, *Pathways for Peace: Inclusive Approaches for Preventing Violent Conflict*, 2018, 165, 166, 221; Task Force on Justice, *Justice for All—Final Report* (New York: Center on International Cooperation, 2019), 90; Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies, *Enabling the Implementation of the 2030 Agenda Through SDG 16+: Anchoring Peace, Justice and Inclusion* (New York: United Nations, 2019), 41; European Union, "The EU's Policy Framework on Support to Transitional Justice" (2015), 1.

2 Working Group on Transitional Justice and SDG16+, "On Solid Ground: Building Sustainable Peace and Development After Massive Human Rights Violations," 2019, 5.

3 HRC Resolution A/HRC/51/23, 5; UN Human Rights Council, "Human Rights and Transitional Justice: Report of the Office of the United Nations High Commissioner for Human Rights," A/HRC/49/39, January 12, 2022, 1, 11 [hereinafter "2022 OHCHR Report"]; 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; Working Group on Transitional Justice and SDG16+, "On Solid Ground."

The potential for transitional justice to contribute to sustainable peace and development has been acknowledged at the international policy level.

approach to transitional justice to the role of the rule of law in the restoration of social cohesion, lasting peace, and sustainable development. Relatedly, the Secretary-General's 2023 New Agenda for Peace calls for prevention strategies that address the drivers and enablers of violence and conflict and prioritize all human rights in the interests of rule of law, social cohesion, inclusion, and the prevention of grievances.⁴

International policy discourse also recognizes, however, that transitional justice does not inherently or automatically contribute to sustainable peace or development. Rather, its contributions depend on the particular approach that is taken. The process through which transitional justice measures are designed and implemented, the issues that such measures address, and the specific objectives that they aim to achieve,

among other factors, affect the extent to which transitional justice can contribute to development.

Factors that have been identified as important in this regard include context specificity, comprehensiveness, victim centeredness, meaningful participation, gender sensitivity, innovation, political feasibility, and transformative ambitions.⁵ Each of these elements can be broken down in more detail. For example, context specificity can refer to regional political dynamics, national ownership, and local social and cultural relevance. Comprehensiveness can mean addressing different types of human rights violations, including violations of civil and political rights and economic, social, and cultural rights, as well as encompassing a broad range of measures, not just a certain predetermined set of measures. Adopting transformative goals is generally understood to include confronting the structural inequalities and discrimination that drive violence and abuse.⁶

Some of these factors overlap. For instance, gender sensitivity and transformation both require the application of a gender lens to analyze and understand the range of harms that victims have suffered, victims' access to justice, and underlying social structures that facilitated the harms. In this regard, the UN Secretary-General has highlighted the opportunities that transitional justice can create "to re-examine legal and institutional frameworks that historically discriminate and

4 UN, "New Vision of the Secretary-General for the Rule of Law," May 9, 2023, 4-5; UN, "A New Agenda for Peace," Our Common Agenda Policy Brief 9, July 2023, 19.

5 HRC Resolution A/HRC/51/23, 4; 2022 OHCHR Report, 12; Working Group on Transitional Justice and SDG16+, "On Solid Ground," 19-24.

6 The forthcoming "Guidance Note of the Secretary-General – Transitional Justice: A Strategic Tool for People, Prevention and Peace" will reiterate and elaborate on many of these elements as part of the UN's approach to transitional justice.

marginalize and that fail to protect the rights of all people.⁷ He further named the reform of laws that discriminate against women, girls, and lesbian, gay, bisexual, transgender, and intersex persons as an important way to guarantee non-repetition of SGBV.⁸

One issue that cuts across elements is mental health and psychosocial support (MHPSS) for victims, families, perpetrators, activists, and practitioners. This form of support has gained prominence in transitional justice, peacebuilding, and development efforts in recent years. The HRC highlighted the benefits that MHPSS can provide for victims and affected communities, helping them “to address grievances and overcome the intergenerational impact of atrocities and gross human rights violations and abuses, which may otherwise become risk factors for new violations and abuses.”⁹ It accomplishes this by responding to the harms suffered, promoting individual and collective agency, facilitating participation, improving the quality of evidence, and enabling societal dialogues about causes and drivers, especially when provided in ways that minimize the stigmatization of victims and the risk of additional trauma. In Guatemala, for example, extensive psychosocial support was critical for the Indigenous women of Sepur Zarco “to feel comfortable enough to break their silence publicly and file a case,”¹⁰ after they were systematically raped and enslaved by the military during the Guatemalan civil war.

Research and analysis of support practices developed at the Special Court for Sierra Leone (SCSL) and the International Criminal Court (ICC) indicate that providing the appropriate level of psychosocial support to witnesses and victims increases their agency and feelings of well-being, while reducing anxiety, thereby facilitating participation of affected individuals.¹¹ However, notwithstanding the increased focus on victim-centered justice and MHPSS, the implementation of mental health approaches and trauma-informed methodologies is still underdeveloped and needs further integration in many justice processes. In addition, good practices are often scattered and not readily available to mental health and justice practitioners.

7 UN General Assembly, “Strengthening and Coordinating United Nations Rule of Law Activities: Report of the Secretary-General,” A/76/235, July 26, 2021, 11.

8 Ibid.

9 HRC Resolution A/HRC/51/23, 4.

10 Susana SáCouto, Alysson Ford Ouoba, and Claudia Martin, “Documenting Good Practice on Accountability for Conflict-Related Sexual Violence: The Sepur Zarco Case,” UN Women and American University Washington College of Law (2022), 123.

11 An Michels, “The Psychologist-Client Relationship at the ICC: A Road Map for the Development of the Counsel-Victim Relationship,” in R. Jasini and G. Townsend (eds.), *Advancing the Impact of Victim Participation at the International Criminal Court: Bridging the Gap between Research and Practice* (Oxford: ICCBA-Oxford. Oxford Law In-house publication, 2020). Rebecca Horn, Saleem Vahidy, and Simon Charters, “Testifying in the Special Court for Sierra Leone: Witness Perceptions of Safety and Emotional Welfare,” *17 Psychology, Crime & Law* (2011), 435.

Another cross-cutting issue that will only increase in importance in the context of digitalization is public access to information. This element of sustainable development (under SDG 16.10) is closely linked to the right to the truth about human rights violations. Documentation, archives, the media, and digital technologies are tools that may help to democratize access to information about the complex dynamics of repression and violence and connect efforts with young people and the broader public. In many countries, gaining access to information about past repression is challenging, especially for victims and their relatives, often due to geographical distances, time constraints, bureaucratic obstacles, and lack of knowledge.

In South America, the platform plancondor.org is a collaborative project between academics and activists in Uruguay, Chile, and Argentina. It collates in a single multi-language, open-access website the data regarding complex events that occurred under military rule in the region, with a specific focus on Operation Condor, an intelligence-sharing apparatus shared among repressive Southern Cone governments from the mid-1970s to the early 1980s. It brings together information from different sources, including criminal verdicts, archival documents, an interactive map of victims and database, and audiovisual productions, facilitating access to information and access to justice.

Development actors can play a role in promoting such efforts by “strengthening regulatory frameworks and fact checking systems, improving strategies and platforms to give as many people as possible a voice particularly victims and marginalised communities.”¹² The UN Special Rapporteur on truth, justice, reparation and guarantees of nonrecurrence has highlighted the role of information gathering and knowledge management in operationalizing a “people-centered approach” to transitional justice.¹³

Given its many potential contributions to development outcomes, international policy discussions have increasingly pointed to the need for more practical integration of transitional justice and sustainable development. The HRC, for example, has called on states to “consider using transitional justice processes as a strategic tool to sustain peace and pursue sustainable development,” to “adopt a ‘past-sensitive lens’ in peace and development work,” and “to design, fund and implement comprehensive transitional justice measures as part of their development efforts.”¹⁴ The African Union also sees transitional justice as a model for explicitly addressing development challenges. It therefore recommends including it in “development measures designed to rectify structural inequalities,

¹² UNDP, “From Justice for the Past to Peace and Inclusion for the Future: A Development Approach to Transitional Justice,” 2020, 51.

¹³ UN General Assembly, “Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli. Sustainable Development Goals and transitional justice: leaving no victim behind,” A/77/162, July 14, 2022, 18–20.

¹⁴ HRC Resolution A/HRC/51/23, 4, 5.

marginalization and exclusion for achieving social justice and equitable and inclusive development.”¹⁵

However, even if transitional justice directly addresses development challenges, “[it] alone is unlikely to achieve the desired outcomes without a more integrated approach,” one that is connected to “broader policy agendas.”¹⁶ While transitional justice should address structural issues like systemic gender inequality, it “cannot necessarily overcome them on its own.”¹⁷ The UN Special Rapporteur has reiterated that “transitional justice alone cannot bring about change; other interventions in the areas of development and peacebuilding are needed to complement and continue the work on the ground.”¹⁸ Therefore, transitional justice should be envisioned as one of “multiple pathways towards dealing with legacies of abuse in collaboration with a broad spectrum of stakeholders.”¹⁹ Further, a “development-oriented approach to transitional justice” is one that focuses on expanding people’s choice and identifies specific areas of work in which development actors and practitioners should provide support.²⁰

At the regional policy level, the African Union and European Union have described responding to the past as a task that affects different political and social areas that should be mainstreamed in sectors such as health and education.²¹ This aligns at a broader level with the “humanitarian-development-peace nexus approach,” which focuses on synergies between fields and strengthening operational linkages between efforts, including by promoting human rights and inclusive governance and addressing structural inequalities.²²

Despite this general recognition, transitional justice often remains insufficiently understood and integrated in development policy and practice at the international, regional, national, and/or subnational levels. Its potential to bring about actual change is far from realized in terms of the support, implementation, and sustained engagement with reforms that it can catalyze. Too often, measures are adopted in limited, partial, or incomplete ways, leaving out important elements that a comprehensive approach would incorporate and, therefore, falling short

15 African Union, *Transitional Justice Policy*, February 2019, 1, 14.

16 2022 OHCHR Report, 12.

17 UNDP and UN Women, “Women’s Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustainable Peace,” New York, 2022, 60.

18 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 21.


19 UNDP and UN Women, “Women’s Meaningful Participation in Transitional Justice,” 60.

20 UNDP, “From Justice for the Past,” 10.

21 European Union–African Union Seminar on Transitional Justice (November 24–25, 2022, Gambia).

22 Council of the European Union, “Outcome of Proceedings: Operationalising the Humanitarian-Development Nexus – Council conclusions (19 May 2017),” Brussels, May 19, 2017 (OR. en), 9383/17.

Transitional justice often remains insufficiently understood and integrated in development policy and practice. Its potential to bring about actual change is far from realized.



of both satisfying victims and meaningfully contributing to peace and development.

An important part of the explanation for this is political. Transitional justice can elicit resistance and backlash, which often portrays efforts to address the past as being antithetical to future peace and development. While it is true that transitional justice can be a contentious, even divisive, arena, especially when it is seen to be exclusionary, illegitimate, or ineffective, such tensions may be addressed, minimized, or managed in the short term to the extent that they relate to process and impact. However, opposition to transitional justice often comes from vested political and economic interests and established, exclusionary structures of power, especially if transitional justice threatens to hold powerful

actors to account or contribute to systemic change. It must be kept in mind, then, that the obstacles to transitional justice go beyond conceptual arguments and evidence of impact.

Given these conceptual, practical, and political considerations, this report outlines a more strategic approach to integrating transitional justice and sustainable development. The following sections highlight examples of specific practical and policy links between the two areas. They emphasize the need to make a convincing argument about the value of integration and reiterate the role of collective action, complex and multilevel responses, and long-term perspectives as part of such an approach.

Establishing Practical and Policy Links

Greater integration of transitional justice and sustainable development should include, where appropriate, the establishment of specific links in practice and policy. Reparation at the individual and collective levels, for example, can provide basic social services to victims and affected communities. For example, in Peru, reparations went beyond financial payments to include measures to improve Indigenous women's access to justice, better education, and medical care. Chile's comprehensive reparations program included a specialized health care system, educational scholarships, and pensions to prevent victims from falling into poverty over time.²³ In Guatemala's Sepur Zarco case, reparations combined monetary compensation and restitution with wider social measures such as health care and education in response to demands identified by survivors of SGBV themselves.²⁴

In countries such as Peru, Morocco, and Colombia, collective reparation programs have responded to communities that were targeted or affected by violence and/or exclusion. In Tunisia, the transitional law mandates collective reparations for marginalized or "victim" regions. However, operationalization and implementation of most such programs have been only partial or minimal. In Colombia, those who commit conflict-related crimes who comply with transitional justice measures by acknowledging their responsibility and commit to full disclosure of the truth may participate in projects aimed at providing infrastructure for transport, health, education, and rural development to marginalized regions as part of the restorative sanctions that will be issued by the Special Jurisdiction for Peace.²⁵ More generally, mental health care and psychosocial support services for victims can also be integrated into development strategies, like livelihood projects.

In some contexts, however, practitioners and policymakers continue to make an overly rigid operational division between transitional justice and development. While maintaining a clear conceptual distinction between the two fields, the challenge is often that the commonalities and differences between them are insufficiently understood, articulated, and explained in a particular context. In Cambodia, for instance, requests from civil parties for health care, education, and infrastructure services (including construction of bridges, roads, and

23 Elizabeth Lira, "The Reparations Policy for Human Rights Violations in Chile," in *The Handbook of Reparations*, ed. Pablo de Greiff (New York: Oxford University Press, 2006).

24 SáCouto, Ford Ouoba, and Martin, "Documenting Good Practice" 80-84.

25 See Jurisdicción Especial Para La Paz (JEP), "Sección de Reconocimiento de Verdad y Responsabilidad Tribunal para la Paz, Lineamientos en materia de sanción propia y Trabajos, Obras y Actividades con contenido Reparador - Restaurador," 2020; JEP, "JEP certifica obra reparadora elaborada por excombatientes de las Farc-EP en Viotá, Cundinamarca," Comunicado 017, 07 de marzo de 2023; JEP, "Tres historias para comprender los TOAR en la JEP," Comunicado 140, 19 de octubre de 2020.

irrigation systems) were common. However, they were gradually “pushed out of the consultative space” by lawyers and intermediary civil society actors who saw them as exceeding the reparation mandate of the Extraordinary Chambers in the Courts of Cambodia (ECCC), which was limited to collective and moral reparation, and more the purview of development efforts.²⁶ Further, in the ECCC’s last trial, judges rejected a proposed reparation project that would have distributed loans for income-generating activities for elderly civil parties because of a strict interpretation of the ECCC’s reparation mandate.

Integration can also be facilitated outside of transitional justice processes at the level of development planning, programming, and reporting. Development partners, including multilateral development banks, should be encouraged to adopt a “past-sensitive lens” in the design of their programs and allocation of funding.²⁷ Development actors, for example, can facilitate the integration of transitional justice measures into long-term strategic frameworks, “which can strengthen buy-in, coherence, and coordination across sectors and streamline resources from the national budget” and “promote more inclusive development planning processes that specifically include victims and other affected communities as well as marginalised groups and persons with disabilities.”²⁸

Concrete examples include the incorporation of truth commission recommendations or other responses that address the needs and priorities of victims and affected communities into government development plans. In Colombia, for instance, the National Development Plan (2023) explicitly includes compliance with a number of the Colombian truth commission’s recommendations. While the Follow-Up Committee for the recommendations will focus initially on relevant challenges and opportunities, the political and social debates surrounding the plan exposed the heavily contested nature of the proposed changes. Civil society has advocated for a greater level of commitment from the Colombian government than what was agreed to by Congress. In the Solomon Islands, the current National Development Strategy facilitates cooperation among stakeholders and provision of infrastructure needed to expand access to justice services for rural communities.

In Canada, Sierra Leone, and other contexts, truth commission findings and recommendations have been incorporated into national action plans on

26 Christoph Sperfeldt, *Practices of Reparations in International Criminal Justice* (Cambridge: Cambridge University Press, 2022), 136.

27 2022 OHCHR Report, 16.

28 UNDP, “From Justice for the Past,” 17, 48.

women, peace, and security.²⁹ At the international development level, in 2019, Tunisia’s Truth and Dignity Commission sent a memorandum to the International Monetary Fund and the World Bank about their responsibility for human rights violations committed in the country due to structural adjustment programs and other policies and called for apology, compensation, and multilateral debt cancellation.³⁰

In Uganda, civil society actors have used the opportunity of the government’s Annual Sustainable Development Goals Conference to advocate for a human rights-based approach to data and evidence that emphasizes inclusion, participation, transparency, non-discrimination, and accountability; to increase awareness among national and international policymakers about access to justice for victims of conflict-related atrocities; and to discuss strategies for collecting and incorporating transitional justice-related data in the government’s SDG Voluntary National Reviews (VNRs) and other processes, like the national census.³¹ In addition, the Uganda Bureau of Statistics has developed a Citizen’s Generated Toolkit that provides a standard approach for nontraditional producers of data, including civil society organizations working on transitional justice and the private sector, to contribute to the collection of SDG data.³²

This is in line with the call for states “to incorporate an assessment of progress on transitional justice in voluntary national reviews of implementation of the Sustainable Development Goals, including through consultations with civil society and victims’ organizations.”³³ While the *UN Handbook for the Preparation of Voluntary National Reports* does not refer explicitly to transitional justice processes or victims of human rights violations, it does emphasize the need to include vulnerable groups and engagement with human rights institutions on outreach efforts and outcomes.³⁴

29 Government of Canada, “Canada’s Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security – 2017–2022,” www.international.gc.ca/transparency-transparence/women-peace-security-femmes-paix-securite/2017-2022-action-plan.aspx?lang=eng; Government of Sierra Leone, *The Sierra Leone National Action Plan for the Full Implementation of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) (2019–2023)*, 2019, 18, www.wpsnaps.org/app/uploads/2022/12/Sierra-Leone-2019-2023.pdf.

30 Instance Vérité & Dignité, “Mémorandum Relatif à la réparation due aux victimes tunisiennes des violations massives de droits de l’Homme et des droits économiques et sociaux dont la Banque Mondiale et le FMI portent une part de responsabilité,” July 16, 2019.

31 Centre for Conflict Resolution, ICTJ, and Austrian Development Cooperation, “Enabling Peace, Justice and Inclusion for Sustainable Development: Lessons and insights Towards Achieving SDG16+: Uganda Annual Sustainable Development Goals Conference – Pre-Conference Meeting and Side-Event, Concept Note,” June 2022.

32 Uganda Bureau of Statistics, “Citizen Generated Data Toolkit,” Kampala, Uganda, 2020.

33 2022 OHCHR Report, 17.

34 UN Department of Economic and Social Affairs, *Handbook for the Preparation of Voluntary National Reviews, 2023 Edition*, 2022.

Several recent VNRs have reported on transitional justice efforts:

- **The Central African Republic's** 2023 VNR referred to the country's Truth, Justice, Reparation and Reconciliation Commission, Special Criminal Court, and local peace and reconciliation committees.³⁵
- **The Gambia's** 2022 VNR referred to its national transitional justice program and related legislative reforms as well as the Gambian Truth, Reconciliation and Reparation Commission's report and the government's white paper accepting its recommendations.³⁶
- **Liberia's** 2022 VNR referred to its national human rights commission's actions to promote memorialization and accountability for victims and crimes of the civil war.³⁷
- **Colombia's** 2021 VNR reported on the implementation of compensation and other forms of reparation for victims of the conflict and collective reparations provided to communities and groups that suffered collective damage during the conflict (noting that more than 50 percent of reparations were still pending).³⁸
- **Sierra Leone's** 2019 VNR included progress on efforts to provide reparations, rehabilitation, and access to medical facilities for war victims.³⁹
- **Timor-Leste's** 2019 VNR emphasized reconciliation as an overarching objective and the role of the country's truth commission and the incomplete implementation of its recommendations.⁴⁰
- **South Africa's** 2019 VNR reported on its efforts to address the legacies of apartheid, including exclusion and unequal distribution of land, through the provision of a social safety net.⁴¹

35 Government of the Central African Republic, "Rapport national sur les 5 objectifs du développement durable retenus Pour le Forum Politique de Haut Niveau," 2023, 40–41.

36 Government of The Gambia, "The Gambia: Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development," 2022, 24, 26, 53.

37 Government of Liberia, "Liberia: Voluntary National Review of the Goals of the 2030 Agenda 2022," 2022, 65.

38 Government of Colombia, "Acelerarla Implementación Para Una Recuperación Sostenible: Reporte Nacional Voluntario 2021," 2021, 60.

39 Government of Sierra Leone, Ministry of Planning and Economic Development, "2019 VNR Report on SDGs in Sierra Leone," 2019, 22.

40 Government of Timor-Leste, "Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019," 2019, 37.

41 Government of South Africa, "2019 South Africa Voluntary National Review: Empowering People and Ensuring Inclusiveness and Equality," 2019, 82, 116.

Making the Case

for Integration

Establishing links between transitional justice and broader development agendas at the level of practice and policy requires convincing relevant actors and stakeholders of the need for and value of such integration. If transitional justice is to be seen as a strategic tool of development, then its empirical impact on development outcomes should be demonstrated where possible. This is an ongoing and complex challenge, but it is an area where the understanding of the realistic use of data and evidence is constantly improving. The HRC has pointed to the need “to enhance data collection to measure impact and progress, including by using the Sustainable Development Goals framework.”⁴²

However, while the field of transitional justice may have insufficiently focused on demonstrating the outcomes of transitional justice measures empirically, “measuring impact and causality in this area is particularly difficult.”⁴³ In contexts like the Solomon Islands, for example, the importance of this kind of data may be recognized, but its use may be limited by the lack of its availability, the lack of coordination among stakeholders to ensure that data is shared, and the lack of personnel or resources needed to turn the data into a tool to advance shared objectives. In general, the complex and political nature of transitional justice processes, combined with contextual factors (such as limited state capacity to collect and report data and limited space for civil society to monitor processes) present practical challenges for measuring results. This calls for more appropriate methods and tools, including open-ended, adaptive, and qualitative approaches.⁴⁴

At the same time, making the case for further integration of transitional justice and development should not depend solely on demonstrating transitional justice’s empirical impact. It can also draw on examples of contexts where a clear need exists for an integrated response and risks of failing to provide it. In Zimbabwe, for instance, after the Matebeleland region suffered extensive post-independence violence, inhabitants often attribute the region’s current marginalization and lesser development to the absence of a process to deal with the legacy of that violence.

If development policy is to become more victim sensitive and past sensitive, stakeholders must make a compelling argument about where this approach could make a difference. In Peru, for example, the Truth and Reconciliation Commission demonstrated a clear connection between vulnerability to political violence and

42 HRC Resolution A/HRC/51/23, 5.

43 2022 OHCHR Report, 13.

44 Mateo Porciuncula, “Measuring Results and Monitoring Progress of Transitional Justice Processes,” ICTJ and Knowledge Platform Security and Rule of Law, 2021.

If development policy is to become more victim sensitive and past sensitive, stakeholders must make a compelling argument about where this approach could make a difference.

exclusion (at both the individual and regional levels).⁴⁵ The country's failure to fully address this connection has contributed to the persistence of social conflict around basic economic, social, and cultural rights for two decades.⁴⁶ More recently, the mapping of sexual violence that occurred in Iraq from 2003 to 2018 identified not only the forms and patterns of violence, but also the structural causes that enabled sexual violence against women, including marginalization and discrimination.⁴⁷ In 2019, the Independent International Fact-Finding Mission on Myanmar established a direct connection between the lack of gender equality more generally in the country and ethnic communities and SGBV rates, with impunity for violence exacerbated by gender inequality.⁴⁸ In 2021, the Commission on Human Rights in South Sudan observed a direct and negative impact of

human rights violations and related economic crimes on the state's capacity to meet its obligations related to sustainable development.⁴⁹

45 Government of Peru, *Hatun Willakuy – The Final Report of the Truth and Reconciliation Commission*, August 28, 2003, <https://www.ictj.org/sites/default/files/subsites/peru-hatun-willakuy-en/>

46 Julie Guillerot, "Alive in the Demand for Change: Transitional Justice and Prevention in Peru," ICTJ, 2021.

47 Iraqi Al-Amal Association, Impunity Watch, and PAX, "Sexual and Gender-Based Violence in Iraq 2003–2018: Executive Summary," 2020, 15–19.

48 HRC, "Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of Its Ethnic Conflicts," A/HRC/42/CRP.4, August 22, 2019, 3, 13–17.

49 Human Rights Council, "Human Rights Violations and Related Economic Crimes in the Republic of South Sudan. Conference Room Paper of the Commission on Human Rights in South Sudan," A/HRC48/CRP.3, September 23, 2021, 1, 40–41.

Collective

Action

Collective action among victims' groups and networks and other civil society actors is critical to transitional justice and its contribution to and integration with sustainable development. As the HRC has emphasized, civil society plays a fundamental role in transitional justice through its engagement, activism, advocacy, mobilization, and capacity building.⁵⁰ In South Sudan, the Justice Advisory Group offers a recent example. It has brought together national and international civil society organizations to advocate for transitional justice, develop implementation strategies, and feed into transitional mechanisms through a victim-centered approach to building a national platform. International networks, such as the International Network of Victims and Survivors of Serious Human Rights Abuses (INOVAS), can facilitate victims' participation and empowerment across countries.⁵¹

These collective efforts are often most effective when they bring together a range of groups—including victims', women's, indigenous, youth, labor, and religious organizations—and other actors into broad coalitions, alliances, networks, platforms, and movements.⁵² While keeping the focus on victims and facilitating participation,⁵³ this type of broad collective approach can make governments pay closer attention to the agenda of a single actor or more narrowly focused initiative than they otherwise would have. The UN Special Rapporteur has referred to these efforts as “movements for change” and encouraged further study of their role of in transitional justice.⁵⁴

The extent to which such efforts constitute or connect to broad social movements may be especially relevant to the integration of transitional justice and development, because they may make changes in development outcomes more likely. For example, the implementation of measures such as collective reparation (which can include public and infrastructural services or other development projects) or other broad reforms recommended by truth commissions is often

50 HRC Resolution A/HRC/51/23, 4; 2022 OHCHR Report, 8.

51 Other collective action examples include the Mothers and Grandmothers of Plaza de Mayo (Argentina), the National Platform for Victims and Survivors (Guatemala), the Conflict-Affected Women's Network (Nepal), the Khulumani Support Group (South Africa), the Congolese Coalition for Transitional Justice (Democratic Republic of the Congo), and many others. See 2022 OHCHR Report, 8; UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 14; Impunity Watch and International Network of Victims and Survivors of Serious Human Rights Abuses, “Reparations as a Catalytic Power to Change Victims' and Survivors' Lives: Perspectives and Contributions from the Grassroots Level,” 2022.

52 See, for example, UNDP and UN Women, “Women's Meaningful Participation in Transitional Justice,” 17.

53 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 14; UNDP and UN Women, “Women's Meaningful Participation in Transitional Justice,” 17, 36.

54 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 14.

slow, partial, or nonexistent.⁵⁵ Broad social movements may be more likely to have an impact here, because the implementation of such measures necessarily goes beyond transitional justice and requires the capacity, resources, and support or consensus of a wider range of stakeholders and institutions. “The creation of broad government and civil society coalitions and platforms for transitional justice is essential for comprehensive and sustainable outcomes.”⁵⁶

For transitional justice stakeholders, then, it can be important to unite immediate goals, such as redress, acknowledgment, and accountability, with the broader goal of transforming the state—which can enable them to connect to broader social movements, gain more force, and connect younger generations to their cause. In this sense, there is a need to incorporate a “past-sensitive lens” into “joint advocacy” in order to facilitate change at the societal level.⁵⁷ The National Platform for Victims and Survivors in Guatemala, for example, lobbies for reparations but also engages in activism on broader social issues, while the Khulumani Support Group in South Africa, which campaigns for truth, healing, and redress for victims, helps local communities and organizations to find financial support for livelihood projects.⁵⁸

Establishing such unity can be difficult because different actors may have different or conflicting priorities and strategies. In Nepal, for example, the National Network of Victims and Survivors of Serious Human Rights Violations opted to engage with the government at the local and national levels to push for truth, recognition, and material support, while some human rights groups have chosen to denounce the government over lack of prosecutions.

Given the centrality of gender equality to sustainable development, approaches to transitional justice that aim to address gendered experiences of harm and access to justice and help change underlying structures of discrimination are inherently development efforts. As such, these gender-transformative approaches often demonstrate the importance of political mobilization of women. Mobilization among survivors can promote recognition through justice measures, but also help to call out structures like hegemonic or militarized masculinities that undermine the fight against impunity or structures that sustain inequality.⁵⁹ Efforts to transform militarized and violent masculinities should, therefore, also form part

55 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 15.

56 UNDP, “From Justice for the Past,” 60.

57 2022 OHCHR Report, 16.


58 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 15; Impunity Watch and INOVAS, “Reparations as a Catalytic Power to Change Victims’ and Survivors’ Lives,” 21.

59 UN General Assembly, “Report of the Special Rapporteur, Fabián Salvioli,” 22.

of gender-transformative approaches.⁶⁰ At the domestic level, women’s or feminist movements that incorporate transitional justice objectives can constitute “an essential force behind political change” by building coalitions, embracing diversity, and mobilizing “under a collective umbrella.”⁶¹ These alliances and movements need support, resources, and localized strategies.⁶²

The Conflict-Affected Women’s Network in Nepal, for example, provides an example of leadership building among women across different generations and castes, which can help transform structures of inequality.⁶³ In Guatemala, the significance of the Sepur Zarco case, in which the strategic alliance among organizations with different mandates and strengths underpinned the success of the case,⁶⁴ lies not only in transitional justice processes but in helping to close the broader justice gap for marginalized women.⁶⁵ Further, in helping women to be comfortable enough to publicly file a claim in the face of entrenched stigmatization, the provision of psychosocial support helped to foster trust in the coalition of organizations—“trust that would be critical in pursuing justice in the legal system.”⁶⁶

Connecting to broad social movements may be especially relevant, because it may make changes in development outcomes more likely.



60 Impunity Watch, “Transforming Militarised Masculinities: A Global Responsibility for a More Just and Peaceful World” (2023).

61 UNDP and UN Women, “Women’s Meaningful Participation in Transitional Justice,” 36.

62 SáCouto, Ford Ouoba, and Martin, “Documenting Good Practice,” 125.

63 Impunity Watch and INOVAS, “Reparations as a Catalytic Power to Change Victims’ and Survivors’ Lives,” 13.

64 SáCouto, Ford Ouoba, and Martin, “Documenting Good Practice,” 125.

65 UN Women, IDLO, World Bank, and Task Force on Justice, “Justice for Women High-Level Group Report” (2019), 62.

66 SáCouto, Ford Ouoba, and Martin, “Documenting Good Practice,” 123.

Multilevel Responses to

Complex Problems

If transitional justice is to be better integrated into broader development policy and practice, it is important to keep in mind the complexity of the problems being addressed, their interrelationships, and the need for transitional justice to provide appropriate multilevel responses. In an interdependent world, violence and displacement, for example, are directly and indirectly connected development problems with dynamics that play out at different levels, from the individual, local, and informal to the collective, institutional, and national, regional, and global. Viewing transitional justice through a sustainable development lens can clarify where and how it can make a greater difference to these issues, especially in terms of participation, access to justice, and inclusion.

Displacement is a clear example of a complex, development-related problem that requires complex, multilevel responses. While it has previously been shown that transitional justice can contribute to durable solutions for the displaced, especially the reintegration of displaced persons into their communities,⁶⁷ the majority of persons who have left their countries due to circumstances relevant for transitional justice (serious human rights violations, war crimes, and crimes against humanity) are unlikely to return to their home countries later, despite political transitions. Transitional justice mechanisms, therefore, have to increasingly take into account the fact that their target audience and sources of information may include citizens living in diaspora. Refugees and migrants have important stories to tell, not only about the violation of their human rights, but also the impact of having to flee for their lives. Yet, it is common for truth-telling processes to exclude displaced persons who remain across borders.

Colombia's truth commission was the first of its kind to systematically and broadly engage with persons residing all over the world who had fled the country due to armed conflict. To ensure their participation, working groups were created in 23 countries, taking into account the unique circumstances, capacities, and gaps in each country. The lessons learned from this effort included the need for the provision of professional psychosocial support for victims and survivors among the diaspora and that acknowledging the complexity of migratory experiences is important to ensure meaningful participation in truth-telling processes. This demonstrates how places outside of the country where violence and abuse occurred are relevant to transitional justice, including the role of

⁶⁷ UN General Assembly, "Report of the Special Rapporteur on the human rights of internally displaced persons," A/73/173, July 17, 2018.

host country governments and civil society, thus underscoring the value of transnational relationships in realizing justice goals.⁶⁸

Addressing SGBV is a similarly complex challenge that demonstrates the need for transitional justice to engage with development at multiple levels. In contexts where SGBV cases often do not progress to the formal justice system, engaging informal justice actors may increase access to justice through the establishment of a coordinated multisectoral referral-and-response mechanism between formal and informal justice systems as well as capacity development activities to build knowledge and skills among informal justice service providers. In South Sudan, where gender-based violence is mostly addressed through the customary justice system, the 2018 peace agreement laid the groundwork for establishing a specialized court to deal with conflict-related gender-based violence, which may help to mitigate challenges faced by survivors in accessing justice.⁶⁹ In Kosovo,⁷⁰ the government authorized civil society organizations to support survivors of conflict-related sexual violence (CRSV) in the process of applying for reparations, with the specific intention of creating a safer and more enabling environment for CRSV survivors to apply.⁷¹ It is of utmost importance, however, that in all circumstances the perception of selectivity is avoided and the social integration function of transitional justice is emphasized, which can be assured through politically sensitive approaches, particularly in divided societies.

The links among different levels of responses are even more important for international justice processes that can otherwise be far removed from the specific needs of survivors. International criminal proceedings can serve as a forum for establishing a narrative of events and condemning atrocities, including SGBV, especially if practices such as the ICC's victims' participatory rights scheme are respected, comprising the provision of well-being and safety, the right to receive reparation, and participation in proceedings. In this regard, the ICC Office of the Prosecutor recognizes and aims to support the role that local civil society plays in documenting SGBV and providing medical, psychosocial, material, and legal support to victims.⁷² Similarly, the 2022 gender strategy for the International, Impartial, and Independent Mechanism for Syria includes collaboration with women's groups in Syria, to better understand the gender

68 Andrea Grossenbacher and Hannah Elias, "Participation of the Diaspora in the Colombia Truth Commission," *The Swiss Platform for Peacebuilding* (KOFF), 2020, 9, 10.

69 IDLO and Global Women's Institute, "Survivor-Centred Justice for Gender-based Violence in Complex Situations: Research report informed by case studies from Afghanistan, Honduras, Papua New Guinea, the Philippines, South Sudan, and Tunisia," 2022.

70 All references to Kosovo in this report are understood to be in the context of United Nations Security Council resolution 1244 (1999).

71 UN Women, "First Applications in for Long-awaited Compensation for Conflict-related Sexual Violence Survivors in Kosovo," 2018.

72 The Office of the Prosecutor, ICC, "Policy Paper on Sexual and Gender-Based Crimes," June 2014, para. 107.

MHPSS demonstrates the necessary complexity and multilevel nature of integrated justice and development responses.

dynamics of the context and the impact of gender-based violence.⁷³

The case of sexual violence committed against Maya Achi women in Guatemala showed how women not only suffered violence for being women but also for being Indigenous. The lawsuit against those responsible for the crimes was led by Indigenous female lawyers, in close coordination with the survivors. This case and others highlight how a multilevel approach that combines active survivor participation in the justice process and legal work with social, political, and communication strategies in strategic litigation processes can help to identify and transform

intersecting inequalities by producing societal awareness that can promote changes in laws and policies.⁷⁴

Customary and informal justice and reconciliation practices and other community-based responses are relevant to addressing displacement, SGBV, and other elements of communal violence that affect social relationships, as demonstrated in Myanmar, Northern Ireland, the Philippines, Sierra Leone, South Sudan, Timor Leste, and Uganda. They can offer forms of accountability, acknowledgment, and redress that are accessible, culturally relevant, and efficient, often drawing on restorative justice principles and prioritizing reconciliation. At the same time, the potential shortcomings of customary and informal practices are significant. They can include the exclusion of women and young people due to patriarchal and conservative norms and institutions and the lack of necessary systems to protect victims who participate in informal mechanisms against physical and psychological harm and/or stigmatization.⁷⁵ While customary practices may not have been initially established to address serious human rights violations, the absence of more viable formal justice processes means that in some cases they do. Transitional justice frameworks at the national and regional levels—as in South Sudan’s peace agreement and the African Union Transitional Justice Policy—can offer clarity, guidance, and standards for the role of customary and informal justice in such contexts.⁷⁶ In Northern Ireland, in the context of wider peacebuilding, community-level

73 IIM-Syria, “IIM Gender Strategy and Implementation Plan,” United Nations, September 2022.

74 Impunity Watch, “Strategic Litigation in Cases of Gross Human Rights Violations in Guatemala: Impact and Lessons Learned,” 2022 and Impunity Watch, “Sentence in the Maya Achi Women’s Case: Summary,” 2022.

75 See, for example, OHCHR, “Human Rights and Traditional Justice Systems in Africa,” 2016.

76 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, Article 5.2.2.3.8; AU, Transitional Justice Policy, 12.

responses address the reintegration of former combatants, memorialization, and the provision of services based on victims' needs.⁷⁷

MHPSS is relevant here again because it demonstrates the necessary complexity and multilevel nature of integrated justice and development responses. While the Colombian truth commission's approach highlights the importance of providing psychosocial support to processes with a transnational element, it is also critical at the individual and community levels. In Syria, for example, the Association of Detainees and the Missing in Sednaya Prison created the Family Centre, a psychosocial support clinic that provides former detainees, survivors of torture, and families of the missing and detained with individual and collective therapy. It uses arts to empower victims to tell and share their stories, create relationships with other victims, and rebuild the community's social fabric. It addresses both individual trauma and the collective social effects of violence. Psychosocial support of this kind is often mainly provided by civil society, which may have the commitment and trust of victims but lack resources and skills. This suggests that development support could play a larger role in building complementary state capacity on the issue.

Psychosocial support can also target the institutions and people responsible for abuses, with an eye to prevention. Contexts with recurring cycles of violence show that abusive behavior by members of the security sector is often related to security sector personnel's own traumatic experiences. The CAPAMI Foundation in Burundi provides MHPSS to police officers because unaddressed trauma may lead to disproportional, uncontrolled, and abusive use of power. By the same token, in Colombia work is being done with former combatants from the armed rebel group the FARC-EP to shape new masculinities.⁷⁸

It is also increasingly recognized that, in the context of a transitional justice mechanism, raising awareness among and training investigators, prosecutors, and others interacting with victims and vulnerable witnesses is a critical element of any MHPSS strategy. Examples from Rwanda, Sierra Leone, and Iraq show the positive impact of integrating a training and support element for victims and those interacting with victims. In Rwanda, for instance, training of women's associations helped victims of CRSV to share their experiences in group sessions and eventually come forward to testify in (local) justice mechanisms. In Sierra Leone's Truth and Reconciliation Commission and the SCSL, extensive attention was given to raising awareness among and training staff who interact with witnesses and victims, especially children.

77 UN General Assembly, "Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his mission to the United Kingdom of Great Britain and Northern Ireland," A/HRC/34/62/Add.1, November 17, 2016, 18–20.

78 UN Women, "La reincorporación de mujeres exguerrilleras, pieza clave para la implementación del Acuerdo de Paz en Colombia," 2022.

Long-Term

Engagement

While transitional justice is still broadly understood as an extraordinary response to extraordinary situations, its operationalization and impact often play out over the long term, especially regarding its interaction with development outcomes and policy. Transitional justice should therefore be seen more as a process requiring a multitude of responses over a long period of time, rather than a “one-off” response to specific events of mass human rights violations. States have been called on to recognize “the long-term nature of transitional justice processes,”⁷⁹ and more specifically to “ensure strategic and long-term planning,” both because transitional justice processes themselves can unfold over generations and because they are dependent on the preconditions, opportunities, and challenges presented by changing political, institutional, and security contexts.⁸⁰

Moreover, the structural, institutional, social, and cultural changes sought by a transformational or development-oriented approach to transitional justice take place in “multigenerational time-frames.”⁸¹ Building trust between society and the state, facilitating the inclusion of previously excluded groups, and addressing trauma and social problems, like substance abuse, are inherently long-term processes. In this regard, establishing a programmatic link at the national level between transitional justice processes and the SDG framework may help to make resources available and advance shared objectives as the political situation and other circumstances change over time.⁸²

One of the clearest examples of the potential integration of transitional justice and development is the implementation of truth commission recommendations. Truth commissions often recommend reforming the structures that have driven violence and conflict and hinder or skew development. Implementing these reforms can be a long-term undertaking that involves a range of actors and pathways that depends on specific long-term funding and investment from national and international partners as well as political support.

In 2004, Sierra Leone’s truth commission published its final report that included wide-ranging recommendations. Since then, the country has made gradual progress in implementing the recommendations. As recently as 2022, its parliament passed legislation on gender equality and land rights. The Gender Equality and Women’s Empowerment Act makes provision for increased elected positions

79 HRC Resolution A/HRC/51/23, 5.

80 2022 OHCHR Report, 12–13.

81 UNDP and UN Women, “Women’s Meaningful Participation in Transitional Justice,” 60.

82 UNDP, “From Justice for the Past,” 61.

for women, promotion of gender equality in employment and training, implementation of gender mainstreaming and budgeting, and greater access to finance for women. The Customary Land Rights Act provides for the protection of customary land rights, the elimination of discrimination under customary law, and the management and administration of land subject to customary law. In the Solomon Islands, efforts to rehabilitate people and reform national structures have fallen through due to a lack of proper long-term planning. As part of the country's efforts to rehabilitate those affected by ethnic tensions (1998–2003), people were promised compensatory payments for their losses, only to receive compensation well below what they expected, leading to dissatisfaction and a lack of rehabilitation over time.

In Guatemala, appropriate mechanisms were set up to combat deeply rooted impunity and corruption, which are major obstacles to sustained peace and development. Recently, however, mechanisms like the International Commission Against Impunity in Guatemala were dismantled and international support was withdrawn. A process of state capture has taken place in which an alliance of corrupt politicians, economic elites, organized crime, and the military undo important reforms. The peace framework has been weakened and the mechanisms for women that were created in compliance with the peace accords are being cornered. The work of civil society is becoming more difficult, while independent justice operators have been forced to leave the country or face persecution, threats, or arrest. In this process, the law itself is used as an instrument to undermine judicial independence and the rule of law, which in turn affects development by leaving those most marginalized unprotected. This is shown, for example, in the high number of environmental rights defenders who have been killed in Guatemala in the last decade and the high rate of femicide and other forms of violence against women. The case of Guatemala also illustrates the need for ongoing political support, including through strong international monitoring to accompany processes of democratic change, as well as the need to initiate and support (judicial) reform efforts that seek to dismantle state capture.

Experience in the Western Balkans also demonstrates that long-term engagement requires attention to education, especially around history curricula and memorialization. The problem, however, is that after many years of engagement, there is often fatigue within the international community to further invest resources and political capital in long-term “past-sensitive” development interventions, which undermines prevention and the promise to victims and society of “never again.”⁸³

One of the clearest examples of the potential integration of transitional justice and development is the implementation of truth commission recommendations.

83 Impunity Watch, BIRN, “Preventing Recurrence: Policy Alternatives for Transitional Justice in the Western Balkans,” 2020.

Conclusion and

Recommendations

Despite the increased recognition of transitional justice's conceptual value to sustainable peace and development, it often remains inadequately integrated into development policy and practice at the international, regional, national, and subnational levels. Its potential to bring about actual change is far from realized in terms of support, implementation, and sustained engagement with the reforms that it can catalyze. Measures that are limited, partial, or incomplete often leave out important elements of a comprehensive approach, falling short of both satisfying victims and meaningfully contributing to peace and development.

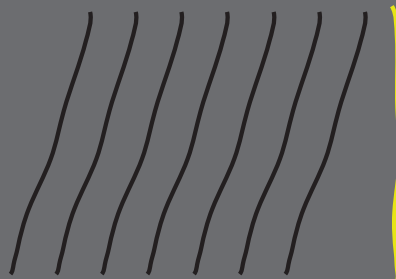
This report facilitates this realization, building on current policy discourse in substantive ways by aggregating relevant experiences, practice, and insights of a range of stakeholders. Taking into consideration the relevant conceptual, practical, and political challenges and opportunities and drawing on the work and experience of members of the Working Group, it seeks to contribute to a more strategic approach to integrating transitional justice and sustainable development. It recommends that such an approach include the following elements:

- Continued reiteration of the relevance of transitional justice to the SDG framework— including to issues of access to justice, rule of law, inclusive institutions, violence prevention, corruption, education, access to information, gender equality, and equality—and the specific pathways through which transitional justice can make a difference. This includes by increasing agency, empowerment, social trust, and inclusion and addressing and transforming the structural causes or drivers of serious violations.
- Further emphasis on an approach to transitional justice that enhances its contribution to sustainable development. This can be achieved to the extent to which transitional justice measures are designed and implemented to be context specific, comprehensive, victim centered, participatory, gender sensitive, innovative, politically feasible, transformative in its ambitions, and adaptive to the cross-cutting issues of mental health and psychosocial support and access to information.
- Greater establishment of the specific links between transitional justice and development work in practice and policy. This includes, for example, the provision of social services, infrastructure, livelihood projects, and psychosocial support to victims and affected communities within a reparative justice framework as well as the incorporation of goals and progress related to truth

commission recommendations, reparations, and the needs and priorities of victims into development plans and reporting processes.

- Making a more convincing case to those in charge of both transitional justice and development policy and the broader society of the value of further integration of transitional justice and development—drawing on conceptual links, data and evidence of impact, and examples of the relationship between violations and structures, while also acknowledging the political obstacles to change in the form of resistance and backlash that may frame transitional justice as in opposition to peace and development.
- Strengthened collective action and a shared political agenda among victims' groups and networks, other civil society actors, and broader social and political movements to generate the advocacy, mobilization, agency, and support needed to both address immediate harms and transform structures of exclusion and inequality.
- Increased incorporation of transitional justice into responses at multiple levels, from the local to the national, regional, and global, and through both formal and informal institutions, that more fully address the scope and complexity of development problems, such as displacement, SGBV, and psychosocial harm.
- Adoption of a long-term, victim-centered, and inter-generational perspective on the monitoring, operationalization, and impact of transitional justice in order to maintain the support and engagement necessary to enhance and assess its role in bringing about meaningful change, including through the implementation of formal initiatives such as truth commission recommendations and through informal initiatives at the societal and community levels.





Toward
Victim-Centered
Change

Integrating Transitional Justice into
Sustainable Peace and Development