

The Institute for Inclusive Security

TRANSITIONAL JUSTICE RECOMMENDATIONS

The following recommendations to increase the capacity for women's leadership in peace building were developed by a coalition of women convened by The Institute for Inclusive Security in January 2009. They include women from Afghanistan, Bolivia, Colombia, Israel, Kashmir, Lebanon, Liberia, Palestine, the Philippines, Sri Lanka, Sudan, and Uganda.

In countries devastated by war and violence, justice is often sacrificed for “peace.” Women and civil-society leaders are often forced to choose between the two, rendering peace and justice almost contradictory. This is a false choice; there cannot be sustainable peace without justice. They must complement one another. To accomplish this, a specific transitional justice framework should be an integral part of any peace agreement. All actors must increase capacity to engage in transitional justice processes, which connect peace, justice, and reconciliation.

TO IMPROVE CAPACITY BUILDING FOR WOMEN'S ENGAGEMENT IN TRANSITIONAL JUSTICE:

GOVERNMENTS SHOULD

1. Set transparent screening rules to ensure that none of the persons who committed or are accused of committing war crimes are appointed to serve in the government.
2. Ensure that government officials, particularly those in the judiciary system, are aware of international norms and standards as they relate to transitional justice (TJ) processes. Create programs to educate the local legal community and customize application of those international laws; special attention should be paid to ensure that mechanisms for application of commitments are gender-sensitive.
3. Ensure that those appointed to justice-system positions (including judges, magistrates, court officials, prosecutors, defenders) understand the gender-sensitive applications of the constitution, family law, and civil and inheritance laws. The Ministry of Justice should ensure that judges are appointed only after they have demonstrated sufficient knowledge of gender-sensitive application of the law. Establish an accountability system to enforce increased gender sensitivity in legal matters.
4. Ensure that national jurisprudence conforms to international human rights standards in places where traditional/customary law is the only system in place.

DONORS AND MULTILATERAL ORGANIZATIONS SHOULD

1. Create a long-term mechanism to finance civil-society and academic initiatives to create and implement TJ approaches. Although the international community often wants to postpone transitional justice processes, it is critical to implement those processes in the window of opportunity following conflict.
 - a. Conduct presentations and skills-building sessions for grassroots civil society groups, with special focus on project proposals for local women's initiatives on TJ processes.
 - b. Ensure that contracting language for programs and projects in post-conflict countries pays special attention to gender-sensitive implementation of TJ efforts.
 - c. When applicable, make aid to actors participating in TJ processes conditional on their attention to women's priorities and needs.
 - d. Specifically finance the documentation of human rights abuses during and after periods of conflict.
2. Ensure international community representatives have knowledge of the country and the TJ process. It is especially important that they understand that some transitional justice instruments can have harmful effects and may even derail peace processes. For example, special reviews of mechanisms such as blanket amnesty should be required, in consultation with civil society. The use of local/traditional mechanisms for transitional justice should be considered cautiously, since those often exclude women.
3. Create a special mechanism in conflict areas to oversee coordinated implementation of TJ efforts and secure high-level political support for grassroots TJ initiatives. Such mechanisms should provide opportunities to share specific examples of successful and sustainable transitional justice processes.

CONTRACTORS AND NON-GOVERNMENTAL ORGANIZATIONS SHOULD

1. Facilitate workshops to promote trauma recovery and reconciliation, especially through organizations/associations of war victims and their families. Psychosocial support must be a critical component. They should use locally adapted forms of psychosocial support, such as "theater for peace" and other participatory methods.
2. Collaborate with local women's organizations to:
 - a. Write proposals to bid for and implement projects related to TJ.
 - b. Develop curricula, and design and implement workshops and skills-building sessions to build government capacity to implement TJ processes.
 - c. Develop and implement programs to promote reconciliation.
3. Partner with academia to:
 - a. Introduce and popularize key concepts of TJ through presentations, workshops, theater, and other methods.
 - b. Ensure wide dissemination of information on TJ through radio programs, newspaper supplements, TV spots, and other media.
 - c. Publish and use a national memory commission report to build capacity in civil society to advocate for gender-sensitive implementation of the TJ processes.

ACADEMIC INSTITUTIONS AND THINK TANKS SHOULD

1. Build skills to collect evidence through technology and training (for example, to document oral history). Ensure that key TJ terms are customized and applied in the appropriate context. Produce a national historical memory report that includes stories of women not just as victims but also as agents in peace-building efforts. Ensure wide dissemination of the report; use it as an advocacy tool in collaboration with civil society organizations.
2. Create departments of conflict resolution and transitional justice. Academic institutions should offer courses in conflict analysis, TJ, the peace process, and human/inclusive security. Ensure gender is included through specialized courses on women, peace, and security. Use The Institute for Inclusive Security curriculum to promote courses and workshops.
3. Provide a special certification program for those who want to specialize in and provide psychosocial support. Work with civil society to enhance understanding of the importance of providing psychosocial support. Certification courses should include sessions specially focused on unique needs and contributions of women to TJ.