**UNDP input for the OHCHR report on the contribution of transitional justice to sustaining peace and the realization of SDG 16**

UNDP has supported transitional justice processes around the world for over a decade, recognizing the value of a development-oriented approach to transitional justice that looks not only at what is needed to address the past and its consequences on the present but also what is needed to set up victims, communities, and states for a peaceful and sustainable future. In every step of the transitional justice process, we work towards expanding people’s choices. UNDP also embeds our support to transitional justice processes within broader investments in inclusive and accountable institutions to promote and protect human rights and establish a lasting rule of law culture. Earlier this year UNDP released the report [‘From Justice for the Past to Peace and Inclusion for the Future A Development Approach to Transitional Justice’](https://www.undp.org/publications/justice-past-peace-and-inclusion-future-development-approach-transitional-justice). Lessons learned and recommendations on pursuing a development approach to transitional justice have been documented throughout the paper and we would like to share some examples with you as our input:

1. **Participatory and people centred processes**:

The creation of broad government and civil society coalitions and platforms for transitional justice is essential for comprehensive and sustainable outcomes. Participatory processes are effective at building trust and fostering national and local ownership. Effective inclusion of key constituencies and all parties to the conflict is crucial to ensure that transitional justice processes contribute to social cohesion rather than further division. Women’s and youth groups need to be actively engaged – as they are often disproportionately affected by conflict and have significant potential to bring about social transformation.

In***the Gambia***we have a good case of an ongoing integral TJ process with a participatory focus. Within the ‘*Transitional Justice & Human Rights Project’* UNDP has supported the Government, National Assembly and CSOs to implement credible transitional justice and human rights mechanisms and processes that promote reconciliation and sustainable peace in The Gambia. In this regard, the Project provided dedicated support to the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC) and victims of past

human rights violations and abuses. The Project was instrumental in encouraging the general mobilization and involvement of Gambian civil society organizations, particularly victims’ associations, media professions, women and youth groups who now fully participate in transitional justice processes.

1. **Politically smart programming**:

While criminal accountability is at the heart of transitional justice, it is also becoming increasingly difficult to achieve in a majority of contexts. For example, there is a significant challenge in preventing supporting selective and politically motivated prosecution of international crimes that could cause a deepening of societal grievances rather than an enabling of social cohesion, potentially serving as a driver rather than a preventive measure for recurrence of mass crimes. Assessing independence and impartiality of local courts is therefore a prerequisite of engagement and assistance to those institutions. Many domestic courts have faced the challenge of limiting the prosecutions to a single party or members of ethnic or political groups based on the political context, undermining the broader impact of these complex judicial processes. It is important to ensure that a criminal justice process treats equitably all victims and accused instead of instrumentalizing victimhood or settling conflict-related scores. UNDP’s approach to support criminal justice processes and building of technical and operational capacity amongst civil society and victims’ groups is informed by an understanding of these dynamics at the local level:

In [**Libya**](https://reliefweb.int/report/libya/un-facilitates-meeting-misrata-and-tawergha-reconciliation-process-tripoli), in line with the municipal level political dialogue process led by the UN, UNDP and the United Nations Support Mission jointly developed a programme on transitional justice and reconciliation at the local level to facilitate the implementation of the local peace agreement from the Misrata/Tawergha dialogue process including recommendations related to reparations and return to Tawergha. Responding to the roadmap developed by the Misrata and Tawergha Joint Committee that seeks to address some of the fundamental causes of the conflict between the communities, the joint transitional justice programme seeks to facilitate dialogue and raise awareness on transitional justice processes.

As TJ is a political and sensitive issue, UNDP supports governments into defining comprehensive and strategic justice strategies, aligned with national existing efforts and development strategies.

In [**Colombia**](https://undplac.exposure.co/transitional-justice-and-the-social-contract-in-latin-america-and-the-caribbean), following the Peace Accords (2016) between the Government and the Revolutionary Armed Forces of Colombia (FARC), UNDP has been able to strategically support the three components of the Integral TJ System:, the Truth Commission, the Special Jurisdiction for Peace and the Missing Persons Search Unit, and link it to national and local development strategies

1. **Linking Transitional Justice and DDR**:

Closely coordinating transitional justice and disarmament, demobilization and reintegration (DDR) processes has for a long time been considered as one of the key challenges of peace efforts in societies emerging from conflict.DDR programmes are at times perceived by communities as prioritizing perpetrators of violence over victims’ right to justice, leading to the ‘peace vs. justice’ dilemma among the peacebuilding and development communities. Yet, if properly sequenced and well-coordinated, Transitional Justice and DDR can create synergies during a peace process that will increase the chances for more sustainable peacebuilding and development. Three main issues can be singled out, that need to be adapted to the changing environment of conflicts and local realities, and require closer the coordination of Transitional Justice with DDR:
1. DDR as guarantees of non-repetition
2. Vetting of members of armed forces and groups
3. Community-based reintegration as reparations

In the **Kasai region of the DRC**, members of an armed group voluntarily disarmed and demobilized, and expressed their intention to return to their community. Transitional Justice efforts in the same region were ongoing and supported by OHCHR and other partners. In order to avoid that tension would arise in the community once the ex-combatants would return, UNDP launched a project in December 2019, jointly with OHCHR and IOM, combining community-based reintegration with Transitional Justice, by engaging former combatants in labour-intensive work consisting of rehabilitating infrastructure as a means of providing collective reparations to communities.

1. **Victim Engagement**

The participation of victims is necessary to understand the needs and demands of the victims, and to be able to repair their rights and dignity. Is essential to understand

that the participation of victims is a process and not an event. Therefore, preparation to maintain the participation of victims is essential, as well as the support of development actors through capacity building, awareness-raising, and the creation of safe spaces for dialogue and discussion. Victims are not one group, and do not all seek justice in the same way. The complexity of this needs to be embraced in a transitional justice process and navigated jointly with partners. A coordinated approach must be used to identify victims and their needs, source credible data, and ensure adequate representation and support.

In[**Guatemala**](https://www.gt.undp.org/content/guatemala/es/home/projects/-programa-de-acompanamiento-a-la-justicia-de-transicion-pajust-i.html), UNDP’s Transitional Justice Accompaniment Program (PAJUST-Programa de Acompañamiento a la Justicia de Transición) supported the process of recovery and preservation of million documents from the Historical Archive of the National Police (AHPN), under the tutelage of the General Archive of Central America (AGCA) from the Ministry of Culture (MICUDE). Based on international

standards, UNDP has contributed for more than 13 years to the recovery and digitalization of 25 million pages of documents from the AHPN. In 2005, this archive was fortuitously located on packages piled along the hallways of an abandoned police facility. Nowadays, it is the greatest archive in its class in Latin America and represents a decisive documental resource to learn the truth, preserve the

historical memory, and progress of justice. The information is accessible to the public and has proved of great interest to victims and victims’ families, prosecutors, CSOs, national and international academic and research institutions, among others.

In **Colombia** UNDP has supported the individual and collective judicial representation of victims in all macro-cases opened by the Special Jurisdiction for Peace, including cases concerning kidnappings, forced recruitment of child soldiers, extrajudicial killings, and other grave human rights violations. Assistance has also been provided for the implementation of individual and collective protection measures for participants in the SJP (victims, witnesses, and defendants) in order to provide security safeguards in a context of ongoing threats. UNDP’s support to the Truth Commission enabled the core technical team to be deployed six months in advance of the official launching in November 2018 allowing for strategic planning, development of methodological and operational guidelines, and execution of over 40 events throughout the country to raise awareness of the Commission’s mandate and services. Assistance was also provided to victims of the conflict for their participation in hearings and documenting their testimonies for the final report of the Truth Commission. UNDP also supported the creation of the Search for Mission Persons Unit, that will carry out the humanitarian search, location, identification and dignified delivery of bodies. This includes technical assistance to the elaboration of its

statutory decree, support to governance schemes that allow victims to be involved in the identification and search process, and support to the territorial deployment of the Unit, instrumental for providing counselling and other support to over 12,400 people in Colombia.

**3 main contribution on how to secure linkages between TJ initiatives and SDG 16 and sustaining peace:**

1. We need **better measuring efforts in order to understand** the impact and effect of TJ processes. As we get more data on how TJ initiatives impact - peace, development, improve social contract and personal dignity, we will be able to upscale these experiences and share learning processes. At the practical level, think in proposals on theories of change and outcomes that can reflect long term benefits.
2. **Civil society networks as key justice service providers**

*In Guatemala, UNDP supported an active role of women networks to empower women survivors in their search for justice achieving for the first time that a court condemned sexual and domestic slavery as a war crime in the [Sepur Zarco case.](https://www.gt.undp.org/content/dam/guatemala/docs/publications/undp_gt_Transitional%20Justice%20Accompaniment%20Programme%20II%20REPORT_2021.pdf)*

1. **Promote gender focused TJ processes**

It’s important to make a bigger effort in building TJ processes where women are not only considered as victims but as peacebuilders. We know that a more gender equitative TJ processes means more peace and sustainability for all the society and not only for women, and we need to think in how it’s possible to achieve this at a political (raising awareness, supporting women leaders and advocates) and programmatical level (rethinking TJ theories of change, outcomes and measures of successful women participation)

We are soon to launch a **UNDP/UNW report on “*Women meaningful participation in TJ*”** that makes an effort into unpacking these challenges and bringing recommendations for UN practitioners.