

Working Group on Transitional Justice and SDG16+

Submission by the International Center for Transitional Justice (ICTJ) for upcoming report: “Achieving the SDGs through people and victim centered transitional justice measures in post authoritarian and post conflict settings,” issued by UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

The Working Group on Transitional Justice and SDG16+ promotes transitional justice as an integral element of the 2030 Agenda on Sustainable Development. By highlighting the challenges faced by societies that have experienced massive and serious human rights violations, the value of addressing the causes and consequences of those violations, and the most effective justice practices and policies, the Working Group aims to ensure that policymakers, donors, practitioners, and other stakeholders understand and facilitate the contribution of transitional justice to national and international frameworks on sustainable peace and development and global governance. The Working Group is a workstream currently operating under the Justice Action Coalition (JAC).

The Working Group was convened in 2017 as a workstream under the high-level Task Force on Justice and in partnership with the Pathfinders for Peaceful, Just and Inclusive Societies, bringing together international and domestic NGOs, national governments, and international organizations. In 2019, the Working Group published a report, *On Solid Ground: Building Sustainable Peace and Development After Massive Human Rights Violations*, which made the case that transitional justice contributes to peace and development by fostering trust in institutions and among people and groups; strengthening rule of law and access to justice; helping to transform gender inequalities; and reducing inequality, marginalization, and corruption. It emphasized a problem-solving approach, context-specific and locally led innovation, the meaningful participation of victims, and balancing a concern for political settlements and stability with the aim of maximizing long-term change.¹

The incorporation of the Working Group’s message into international policy discourse can be seen in the 2019 Task Force on Justice’s report, *Justice for All*; the 2019 report of the Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies, *Enabling the Implementation of the 2030 Agenda Through SDG 16+*; and, most recently, UN OHCHR’s 2022 report to the UN Human Rights Council, which, citing the Working Groups’ report, describes as a “a strategic policy tool to sustain peace and pursue sustainable development, leveraging transitional justice’s comprehensive, victim-centered, participatory and problem-solving approach,” and calls for its integration into broader policy agendas and strategic long-term planning.²

¹ Working Group on Transitional Justice and SDG16+, *On Solid Ground: Building Sustainable Peace and Development After Massive Human Rights Violations* (New York: ICTJ, 2019).

² Task Force on Justice, *Justice for All—Final Report* (New York: Center on International Cooperation, 2019); 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); UN Human

The Working Group's report, *On Solid Ground*, makes the following recommendations to UN member states and other relevant stakeholders:

- Provide consistent support and investment to enable context-specific transitional justice processes to be a tool of sustainable peace and development.
- Formulate development indicators according to the scale and seriousness of the injustice that societies may have experienced during violent conflict and repression.
- Assess the value of transitional justice to SDG goals and targets, such as the rule of law, access to justice, and inclusive institutions, based on its processes and long-term contributions to change rather than short-term impact.
- Recognize the critical role that transitional justice can play in the prevention of rights violations, repression, violence, and violent conflict.
- Expand the understanding of means to achieve guarantees of nonrecurrence to include a broader range of institutional, legal, and constitutional reforms as well as civil society, faith-based, cultural, and individual-level interventions.
- Adopt gender transformative approaches to transitional justice that address gender hierarchies, discrimination, and exclusion when dealing with human rights violations, particularly against women.
- Promote approaches to transitional justice that address all human rights violations—including economic, social, and cultural violations.
- Design transitional justice processes in such a way that it challenges systems and structures of inequality, exclusion, discrimination, and societal division and other root causes and structural drivers of violence.
- Encourage innovative justice solutions that are driven by local and regional priorities and account for local political dynamics instead of one-size-fits-all or heavy-handed interventions that overly rely on foreign expertise.
- Fund the efforts of civil society and victims to organize, network, and advocate for victims' rights as part of aid for post-conflict stabilization and reconstruction rather than limiting support to officially led initiatives.
- Provide the tools, space, and access to information to victims and affected communities that are necessary for them to participate in and shape every stage of transitional justice processes, including design, implementation, and monitoring.
- Preserve and protect the civic space that allows justice advocates, grassroots groups, victims' associations, and media to participate in transitional justice processes, and support domestic efforts to change underlying distributions of power in order to make room for local transitional justice initiatives.
- Promote participatory transitional justice processes that enable civil society, victims, marginalized and vulnerable populations, women, children and youth, and rural and indigenous communities to meaningfully participate from the outset, rather than approaches that focus on urban residents and that are overly technocratic.

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