

Activity I – Introducing Reconciliation (Suggested Minimum Time (SMT): 35 minutes)

- Divide participants into pairs to discuss their personal experiences with reconciliation (in their families, communities, places of worship). Pose the following: At a personal level, what does reconciliation mean to you? What common themes emerge from your stories?
- Facilitate an entire group debriefing.

Activity II – Providing a Framework: Identifying Transitional Justice Mechanisms (SMT: 60 minutes)

- Conduct a PowerPoint presentation on transitional justice mechanisms at the local, national, and international levels.
- Facilitate a debriefing, considering questions such as: How do you include women in these mechanisms? How does including women improve transitional justice mechanisms overall?

Activity III – Exploring Retributive and Restorative Justice (SMT: 105 minutes)

- Introduce retributive and restorative justice. Give participants a handout highlighting differences between the two approaches.
- Divide participants into two groups and distribute a brief case study that describes a small, community-level crime.
- Ask one group to address the crime using a retributive approach and the other group using a restorative approach.

Activity IV – Sharing Global Perspectives: Inspiring Stories of Women’s Contributions (SMT: 30 minutes)

- Show video clips of women peace builders from conflict-affected areas not represented at the workshop sharing their experiences with transitional justice.
- Facilitate a large group discussion of the participants’ observations.

Activity V – Presenting Case Studies: Evidence of Women’s Contributions (SMT: 70 minutes)

- Divide participants into small groups and assign each group an Inclusive Security case study on women’s roles in transitional justice.
- Ask participants to summarize and present the background of the conflict, key findings about women’s roles, and recommendations for encouraging women’s participation.
- Facilitate a debriefing on common themes that emerged during the presentations.

Activity VI – Integrating Women: A Simulation on Transitional Justice for Tranzicia (SMT: 100 minutes)

- Break participants into small groups and assign each person a role in a simulation to negotiate a transitional justice mechanism for a fictitious country emerging from violent conflict.
- Ask groups to outline a transitional justice framework for Tranzicia that includes a proposed mandate and format for the mechanism as well as suggestions for dealing with reparations and accountability.
- Ask each group to present its proposed transitional justice system and facilitate a discussion of the mechanisms with the large group.

Activity VII – Exploring the Opportunities and Challenges (SMT: 60 minutes)

- Ask participants to identify transitional justice mechanisms in their context.
- Split participants into small groups and ask them to list opportunities for and challenges to women’s participation in transitional justice in their context.
- Facilitate a debriefing. (Each group lists one take-away, adding to the collective list, but not repeating already mentioned items, until all comments are recorded.)

Activity VIII – Promoting Women’s Inclusion in Your Context (SMT: 100 minutes)

- Divide participants into small groups to focus on international, national, and local transitional justice mechanisms/structures (one level per group).
- Ask each group to generate a list of women’s priorities and to identify methods/actions to take to ensure women increase their involvement in transitional justice.
- Ask each group to present its list to the entire group.
- Facilitate a debriefing on strategies for realizing the proposed methods/actions.



Slide 1: Transitional Justice

Transitional justice refers to the short-term, often temporary judicial and non-judicial mechanisms and processes to address legacies of conflict, human rights abuse, and other violence.

These mechanisms can aid society's transition from conflict or authoritarian rule to post-conflict democracy.



Slide 2: Goals of Transitional Justice

A key pillar of post-conflict reconstruction, transitional justice goals include:

- Healing divisions in society
- Providing recognition and justice to victims and accountability for perpetrators
- Creating an accurate historical record for society
- Restoring rule of law and reforming institutions
- Promoting coexistence and sustainable peace

Underlying Values: Justice and Reconciliation

- Justice mechanisms
- Reconciliation efforts

Slide 3: Underlying Values: Justice and Reconciliation

The two underlying values of transitional justice are justice and reconciliation. In most post-conflict states, means for addressing both have been implemented.

- **Justice mechanisms:** These tend to focus on the key instigators of conflict.
- **Reconciliation efforts:** Generally, these aim to heal the broader society.

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Underlying Values: Justice

- Retributive – focus on punishing violators of human rights (prison/fines/apology)
- Restorative – focus on repairing relationships among all parties in conflict

Slide 4: Underlying Values: Justice

There are two kinds of justice:

- **Retributive focuses on punishing violators of human rights** (prison/fines/apology). This is based on the principle that people who have committed human rights violations should be punished in court and serve prison sentences. Additionally, some demand that perpetrators apologize and ask victims for forgiveness. In **Argentina**, national courts tried ten generals who were part of the military regime that committed gross human rights violations between 1976 and 1984. The military’s “Dirty War” led to the death and disappearance of almost 22,000 citizens. Among those convicted of disappearances, torture, and kidnapping was General Jorge Rafael Videla, who served as the country’s president (1976-1980); he was sentenced to life in prison.
- **Restorative focuses on repairing relationships among all parties in conflict.** This is a process through which all those affected by an offense—victims, perpetrators, and communities—collectively deal with the consequences. The focus is not on punishment,

Underlying Values: Justice

- Retributive – focus on punishing violators of human rights (prison/fines/apology)
- Restorative – focus on repairing relationships among all parties in conflict

Slide 4: Underlying Values: Justice (continued)

but on repairing damaged relationships. Tribes in the Amazon region of **Brazil** use conciliation circles to resolve specific conflicts and repair relationships; victims, offenders, family members, and friends explore together how everyone has been affected by an offense and, when possible, how to repair the harm.

Underlying Values: Reconciliation

- National – political interaction between parties and leaders
- Societal – long-term process of community and individual reconciliation

Slide 5: Underlying Values: Reconciliation

Reconciliation can mean different things to different people in different contexts. Regardless of the specific interpretation, the most important principle underlying reconciliation is to reconstruct relationships. Building on restorative justice philosophy, reconciliation addresses the hurt of the past, rebuilds relationships, and allows everyone to move forward together. Reconciliation can occur at the national and/or communal level.

- **National political interaction between parties and leaders.** This refers to a political form of consensus among and interaction between parties and elite leaders. For example, Catholic and Protestant political parties in **Northern Ireland** negotiated a power-sharing government in 2007.
- **Societal long-term process of community and individual reconciliation.** This refers to the long-term, often more difficult process of reconciliation at the individual, community, and societal levels, for example, among Kurds, Shia, and Sunnis in **Iraq**.

International Mechanisms

- International criminal tribunals
- International Criminal Court (ICC)
- Combined mechanisms
- Universal jurisdiction

Slide 6: International Mechanisms

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International mechanisms include formal international tribunals and the International Criminal Court. Some combine these with national and local (formal and/or traditional) authority.

- **International criminal tribunals:** Under Chapter VII of the UN Charter, the Security Council can establish international tribunals and appoint international representatives to run them. These tribunals can be held either “in country,” as in **Sierra Leone**, or externally, as in the case of the International Criminal Tribunal for the **Former Yugoslavia** (ICTY), which was held in The Hague, and International Criminal Tribunal of **Rwanda** (ICTR), which was held in Arusha, Tanzania. Some argue that holding trials outside the country reduces tension. However, local ownership of the process decreases and citizens can feel disconnected, which inhibits reconciliation.

Critics of tribunals question their effectiveness. Since 1995, the ICTR has handed down 19 judgments, only 2 of which were for genocide, the most serious crime—this despite reports that close to a million Rwandans were killed in 1994. Although more than 200,000 people were killed, the ICTY has issued only 161 indictments for crimes committed between 1991 and 2000 in the former Yugoslavia. Of 115 tried, 56 have been sentenced, including 3 for rape as a crime of war. Forty were acquitted, 15 others were transferred to national courts, and a few (including Slobodan Milosevic, president of Serbia) died before a verdict was reached.

International Mechanisms

- International criminal tribunals
- International Criminal Court (ICC)
- Combined mechanisms
- Universal jurisdiction

Slide 6: International Mechanisms (continued)

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- **International Criminal Court:** The ICC was established in The Hague, Netherlands in 2002. It is the first permanent international mechanism for transitional justice. Its mandate is to try individuals responsible for genocide, war crimes, and crimes against humanity. Current cases include Charles Taylor, the former president of **Liberia**. The ICC has a direct influence on ongoing conflicts. The 2007 indictment of Joseph Kony, leader of the Lord's Resistance Army, was controversial. Some believe the indictment jeopardized the Juba negotiations. The Government of **Uganda** has considered granting amnesty to Kony and other LRA leaders, which would challenge the ICC indictment.
- **Combined mechanisms:** These are increasingly used to address countries' specific needs, while retaining an overarching international justice framework. Such mechanisms allow for a combination of international and country-specific jurisprudence (law), judges, and personnel, as well as a mixture of national and international legal proceedings. For example, in **East Timor**, the Special Panels with Exclusive Jurisdiction over Serious Crimes was established in 2000. Two international judges and one East Timorese judge heard cases of special importance.
- **Universal jurisdiction:** Based on universal jurisdiction, national courts of one country can try cases of the most serious nature (war crimes, crimes against humanity, and genocide) even if the crimes were committed in another country. For example, dictator General Augusto Pinochet was arrested in London in 1998 on charges of murder, torture, and disappearances in **Chile** that were brought forward by a Spanish court.

International Policies

- The Geneva Conventions
International Humanitarian Law (IHL)
- Universal Declaration of Human Rights
International Human Rights Law (IHRL)
- Joutet Principles
- The Rome Statute of the International Criminal Court (ICC)
- UN Security Council Resolution 1325
- UN Security Council Resolution 1820

Slide 7: International Policies

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- **The Geneva Conventions/International Humanitarian Law (IHL):** Initiated in 1949 following World War II, the Geneva Conventions enshrined the concept of IHL, which protects civilians during times of armed conflict.
- **Universal Declaration of Human Rights/International Human Rights Law (IHRL):** The Universal Declaration of Human Rights, which was adopted by the UN General Assembly in December 1948, developed the concept of IHRL, which protects against human rights abuses, particularly in post-conflict situations.
- **Joutet Principles:** In 1997, the UN issued the Joutet Principles, which outline victims' rights including the rights to truth, justice, and reparations. Furthermore, the Joutet Principles ensure prosecution of sex crimes.
- **The Rome Statute of the International Criminal Court (ICC):** This statute, entered into effect in 2002, considers sexual violence to be a war crime. It acknowledges rape can be an act of torture, an act of genocide, a war crime, and a crime against humanity.
- **UN Security Council Resolution 1325:** Adopted in 2000, this resolution “emphasizes the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions.”
- **UN Security Council Resolution 1820:** Adopted in 2008, this resolution recognizes that sexual violence is used as a tactic of war, especially against women and girls, and calls on all parties to armed conflict to immediately halt such acts.

National Mechanisms

- National trials
- Truth and reconciliation commissions
- Reparations
- Amnesty
- Lustration
- Institutional reform

Slide 8: National Mechanisms

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National-level mechanisms for transitional justice include trials, truth commissions, reparations, amnesty, lustration, and institutional reform.

- **National trials:** In situations of internal conflict in which the state was a warring party, there can be reluctance to try perpetrators. However, some exceptions exist. In **Cambodia**, with support from the UN, some Khmer Rouge leaders were tried in national tribunals.
- **Truth and reconciliation commissions:** These are official, temporary investigative bodies established in post-conflict societies to clarify the “truth” about atrocities that took place during periods of repression or conflict. Approximately 25 have been established worldwide. The Truth and Reconciliation Commission (TRC) was developed in post-apartheid **South Africa** and lasted ten years. It involved public hearings across the country in which thousands of people testified about experiences as victims, observers, families of victims, and perpetrators of crimes.
- **Reparations:** Efforts to redress past wrongs through compensation, the restoration of property and rights, and other forms of restitution for victims are termed “reparations.” In 2001 **Austria** created the \$210 million General Settlement Fund to compensate Holocaust victims who lost their business, property, bank accounts, and other assets during Nazi rule of the country from 1938 to 1945. Thus far, some 30,000 survivors have received payments in return for signing a waiver releasing Austria from any future claims and other responsibility. Overall, some \$770 million has been appropriated by the Austrian National Fund for Victims of National Socialism to compensate for losses of property, education, pension, and tenancy rights, as well as for slave labor and hardship.

National Mechanisms

- National trials
- Truth and reconciliation commissions
- Reparations
- Amnesty
- Lustration
- Institutional reform

Slide 8: National Mechanisms (continued)

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- **Amnesty:** Meant to encourage truth telling and promote social reconciliation, this is a controversial practice that allows perpetrators to avoid prosecution. General amnesty covers all crimes committed by a group, while conditional amnesty requires perpetrators to admit to the crime before they are granted immunity. In **South Africa**, the TRC had the power to grant amnesty based on a number of conditions, including the victim's consent.
- **Lustration:** This refers to the banning of known human rights violators from holding political office or participating in a new government. In **Serbia**, a lustration law was passed in 2003 allowing the examination of public officials' records for human rights violations. Anyone found in violation can be removed from office and banned from holding public office for five years.
- **Institutional reform:** Institutional reform and capacity building can take the form of judicial, legal, police, or military reform that promotes rule of law and an end to human rights violations and systematic discrimination. In **Iraq**, the Working Group on Transitional Justice developed recommendations that included an analysis of the Iraqi legal code to identify provisions that violate basic human rights.

Local Mechanisms

- Traditional systems
 - Rwanda
 - Sierra Leone and Uganda
 - Afghanistan

Slide 9: Local Mechanisms

Local-level mechanisms for transitional justice include traditional systems and civil society initiatives.

- **Traditional Systems:** These involve religious leaders, elders, local officials, and/or other respected community members. In many cases, they can lessen the burden on the formal system while offering familiarity and local ownership of reconciliation processes.
 - **Rwanda:** The *gacaca* court is a traditional system of community-based conflict resolution and justice that oversees trials of many of the perpetrators of the 1994 genocide. Gacaca courts are helping Rwanda deal with an extremely high volume of perpetrators and easing the load the formal judicial system would otherwise bear.
 - **Sierra Leone and Uganda:** Women conduct healing and cleansing rituals for child ex-combatants to help them reintegrate into the community.
 - **Afghanistan:** Peace *shuras* are traditional councils with a history of practicing local conflict resolution within and between communities. They represent all community groups, including women and children. Some are reported to have discouraged forced marriages and the beating of women and children.

Growing Focus on Women and Civil Society

- Prosecuting sexual violence as war crime
- Shaping proceedings
- Growing civil society activism

Slide 10: Growing Focus on Women and Civil Society

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Civil society initiatives, particularly in the last 15 years, have significantly increased attention to women's relationship to transitional justice.

- **Prosecuting sexual violence as war crime:** Historically, gender-based crimes were excluded from the transitional justice mechanisms. For example, the first two international tribunals (in post-World War II Tokyo and Nuremberg) made no mention of rape. Additionally, the truth commission in **El Salvador** in 1991 excluded rape from its list of crimes since it was considered “non-politically motivated.”
- **Shaping proceedings:** The **South Africa** TRC highlighted women's critical role in shaping transitional justice processes. Women were influential in ensuring the design of the TRC and the selection of commissioners was conducted through extensive consultations with civil society. The inclusiveness and transparency of the process, which distinguished it from previous truth commissions, contributed significantly to the participation of women witnesses. Women submitted close to 60% of the testimonies, often addressing the suffering of others to generate empathy among perpetrators, victims, and society at large. In doing so, they took responsibility for national healing. Women commissioners (41%) and staff (75% of regional managers) were more likely than their male colleagues to follow the spirit of the TRC mandate. Their comprehensive interventions to establish a “victim-friendly” process eased the trauma of testifying.
- **Growing civil society activism:** Civil society and women's community groups play key roles in promoting, implementing, and overseeing transitional justice mechanisms by demanding that such initiatives occur, offering expertise in their design, gathering information for

Growing Focus on Women and Civil Society

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Slide 10: Growing Focus on Women and Civil Society (continued)

proceedings, and raising awareness throughout the population. For example, in **East Timor**, reconciliation proceedings involved churches, local governments, chiefs, and commissioners who ran the processes but also depended on hundreds of community members who watched or participated. In **Taiwan**, women's rights NGOs led campaigns to bring justice for former sex slaves of World War II Japanese soldiers.

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Women's Roles

- Planners
- Designers
- Judges
- Commissioners



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Slide 11: Women's Roles

Today, women act as planners and designers, judges in international and national tribunals dealing with war crimes, and commissioners of TRCs.

- **Planners:** International women's groups who helped plan the ICTY's statutes had concrete results. They ensured:
 - Inclusion of specific plans for victim protection
 - Commitment to prosecute sexual crimes as war crimes, crimes against humanity, and/or genocide
 - The end of impunity for all forms of sexual violence
- **Designers:** In **East Timor**, women's groups played a critical role in design and establishment of the National Commission for Reception, Truth, and Reconciliation in 2001. They organized public consultations to discuss how best to structure the Commission

Women's Roles

- Planners
- Designers
- Judges
- Commissioners



Slide 11: Women's Roles (continued)

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to ensure that its work considered women's needs and priorities. Several women's organization representatives were members of the Steering Committee, a government-civil society entity that selected commissioners and drafted the Commission's terms of reference. As a result, two of the seven national commissioners were women; they collaborated with civil society to ensure women's issues were included throughout the process, which ran from 2002 to 2005.

- **Judges:** As judges, women are in a position to effect change for women and contribute new perspectives to cases. Navanethem Pillay, who served as a judge of the International Criminal Court (ICC) and President of the ICTR, handed down a historic sentence in the case of the former Taba, **Rwanda** mayor Jean Paul Akayesu that explicitly defined rape as a crime of genocide and set an international legal precedent for the ICC. Judge Pillay said in her verdict,

“From time immemorial, rape has been regarded as spoils of war. Now it will be considered a war crime. We want to send out a strong signal that rape is no longer a trophy of war.”

Since December 2007, 8 of the 18 judges elected to the ICC were women.

- **Commissioners:** Women play important roles as TRC commissioners. Of the 25 truth commissions conducted worldwide, women chaired 2 (the UN International Commission of Inquiry for East Timor and the Sri Lankan Commission on the Western and Southern Provinces). Women represented 41% of the South African TRC.

Women Commissioners in Recent TRCs

• South Africa (1998):	7 of 17	41%
• Peru (2003):	2 of 12	16%
• Sierra Leone (2004):	3 of 7	43%
• Ghana (2004):	4 of 9	44%
• East Timor (2005):	10 of 29	35%
• Morocco (2006):	1 of 17	6%
• Liberia (2008):	4 of 9	44%

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Slide 12: Women Commissioners in Recent TRCs

(Years when the final TRC report was presented.)

South Africa (1998):	7 of 17	41%
Peru (2003):	2 of 12	16%
Sierra Leone (2004):	3 of 7	43%
Ghana (2004):	4 of 9	44%
East Timor (2005):	10 of 29	35%
Morocco (2006):	1 of 17	6%
Liberia (2008):	4 of 9	44%

Women's Roles

- Perpetrators
- Witnesses
- Bridges to local communities
- Advocates

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Slide 13: Women's Roles

Women have also been involved in transitional justice processes as perpetrators of violence, witnesses, bridges to local communities, and advocates.

- **Perpetrators:** While women are often victims of war crimes, they are also perpetrators, though to a far lesser extent than men. In **Rwanda**, approximately 3,000 women (out of 100,000 accused) are awaiting trial or have been tried as perpetrators of genocide.
- **Witnesses:** Women are important witnesses, providing information about crimes committed against them and against family members. Early on in the ICTY's proceedings, prosecutors realized that women were providing more information than men. An investigator commented, "Women see things men don't." Literally, men in war are often blindfolded or kept in dark rooms, whereas women are able to see crimes and later identify perpetrators. Nonetheless, women who testify do so at great personal risk. In the ICTY, many women in **Bosnia** who were raped were afraid to testify out of fear of social stigma or revenge attacks.
- **Bridges to local communities:** Women often act as bridges between official processes and communities. Local women's organizations in Bosnia found and prepared witnesses, collected testimony, and counseled those who provided evidence in court. The women were an important link between the Bosnian public and the ICTY, which did not, however, draw on them as effectively as it could have for public outreach.
- **Advocates:** Where no transitional justice mechanisms exist, women advocates often push for their creation. Women are also crucial in working to ensure equal access to justice within their countries. Women's organizations successfully advocated for a focus on women and gender-based crimes in the Truth and Reconciliation Commission of **Peru**.

Strategies to Promote Inclusion

- Advocate for women's participation
- Ensure women are included in the design and establishment of mechanisms and processes
- Inform the public of women's critical roles
- Participate directly in all processes
- Strengthen short-term initiatives with long-term reconciliation
- Reach out to women to provide psychosocial support to witnesses

Slide 14: Strategies to Promote Inclusion

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To support transitional justice processes, women peace builders can:

- Advocate for women's participation in transitional justice mechanisms at international, national, and local levels.
- Ensure women are directly involved in the design and establishment of transitional justice mechanisms to ensure representation and a gender perspective in all mandates.
- Inform the public of the importance of transitional justice for stability and of the critical role women play.
- Participate directly in transitional justice processes as witnesses, lawyers, judges, commissioners, observers, and advocates.
- Supplement short-term official transitional justice mechanisms with other means of promoting reconciliation.
- Reach out to women to provide psychosocial support to witnesses.

*While they were saying
among themselves
it cannot be done,
it was done.*

~Helen Keller

Slide 15: Helen Keller Quote

While they were saying among themselves it cannot be done, it was done.

Helen Keller

ACTIVITY I: Introducing Reconciliation

Objectives:

Share experiences of reconciliation and forgiveness

Explain why reconciliation is a critical component of transitional justice processes in post-conflict societies

Methodology:

- Small group discussion
- Brainstorming

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for pairs

Suggested minimum time:

35 minutes

Activity steps:

1. Divide participants into pairs. (5 minutes)
2. Pose the following questions for pairs to discuss: What does reconciliation mean to you? What are some examples of your personal reconciliation experiences (in your communities, families, places of worship)? Ask participants to explore common themes in their stories. (20 minutes)
3. Reconvene and ask the group to define reconciliation. Discuss common themes. (10 minutes)

Sample debriefing questions:

1. Why is reconciliation critical to the successful resolution of conflict?
2. What elements of the story you heard were particularly surprising or inspiring?

ACTIVITY II: Providing a Framework: Identifying Transitional Justice Mechanisms

Objectives:

Introduce local, national, and international transitional justice mechanisms

Develop an understanding of transitional justice processes in the local context

Emphasize women's participation as critical to success of transitional justice efforts

Methodology:

- PowerPoint presentation
- Entire group debriefing

Materials:

- Laptop and projector
- Screen
- PowerPoint presentation

Room set-up:

Lecture style

Suggested minimum time:

60 minutes

Activity steps:

1. Deliver PowerPoint presentation explaining local, national, and international transitional justice mechanisms. (40 minutes)
2. Following presentation, ask for questions of clarification and comments on information presented. (10 minutes)
3. Facilitate a debriefing. (10 minutes)

Sample debriefing questions:

1. What other mechanisms have you heard of and/or encountered in your work with transitional justice?
2. How do you include women in these mechanisms?
3. How does women's participation improve transitional justice mechanisms overall?

Lesson modifications/trainer tips:

- Print PowerPoint presentations and hand out to participants.
- If not equipped with PowerPoint, use flip charts or a projector.

ACTIVITY III: Exploring Retributive and Restorative Justice

Objectives:

Introduce retributive and restorative justice

Analyze the underlying objectives and resulting effects of these approaches to justice, specifically in post-conflict environments

Methodology:

- Lecture
- Skit activity
- Entire group debriefing

Materials:

- Skit scenario
- Skit props

Room set-up:

Divided into sections for two groups

Suggested minimum time:

105 minutes

Activity steps:

1. Conduct a brief overview on retributive and restorative justice using the worksheet provided [see Appendix A]. (10 minutes)
2. Introduce the skit [see Appendix B]. (5 minutes)
3. Divide participants into two groups. Ask one group to develop a response using a retributive justice approach and the other group a restorative justice approach. Ask groups to analyze the objectives and effects of the approaches as they relate to the skit scenario. (30 minutes)
4. Invite groups to act out their responses. (40 minutes, 20 minutes per group)
5. Ask participants to brainstorm advantages and disadvantages of each response. (10 minutes)
6. Facilitate a debriefing. (10 minutes)

Sample debriefing question:

1. How does each approach to justice affect the perpetrator, the victim, and the larger community?

Lesson modifications/trainer tips:

- Bring props such as extra clothing for costumes, food to symbolize the chickens, etc.

ACTIVITY IV: Sharing Global Perspectives: Inspiring Stories of Women’s Contributions

Objectives:

Attain an understanding of women’s contributions to transitional justice

Understand ways women peace builders across the globe have participated in transitional justice mechanisms

Methodology:

- Video presentation
- Entire group debriefing

Materials:

- TV
- DVD played on a laptop

Room set-up:

Lecture style

Suggested minimum time:

30 minutes

Activity steps:

1. Show group several video interviews with women peace builders from conflict-affected areas not represented at the workshop sharing their experiences with transitional justice. Reference the biographical information for each woman in Appendix C. (20 minutes)
2. Facilitate a debriefing of the proposed mechanisms. (10 minutes)

Sample debriefing questions:

1. What were some of the commonalities and/or differences you observed in the women peace builders’ stories?
2. How do these commonalities/differences compare to your own experiences with transitional justice?
3. How can you use the women peace builders’ strategies to further promote women’s participation in transitional justice?

Lesson modifications/trainer tips:

- Ideally, a woman peace builder with a background in transitional justice from a conflict-affected area not represented at the workshop will attend the training session and share her personal experiences.

ACTIVITY V: Presenting Case Studies: Evidence of Women’s Contributions

Objective:

Attain an understanding of women’s contributions to transitional justice mechanisms in specific contexts

Methodology:

- Small group discussion
- Entire group debriefing

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

70 minutes

Activity steps:

1. Divide participants into small groups and assign each group one of two Inclusive Security case studies on transitional justice (South Africa and Bosnia and Hercegovina). [See www.huntalternatives.org for materials to be printed, copied, and distributed to participants.] (5 minutes)
2. Ask small groups to create short presentations of the case studies covering: A) the background of the conflict; B) key findings about women’s roles in transitional justice mechanisms; and C) recommendations for encouraging women’s participation. Depending on the number of participants, multiple small groups can present the same case study with a focus on different topics. (40 minutes)
3. Invite small groups to present. (15 minutes)
4. Facilitate a debriefing on major themes. (10 minutes)

Sample debriefing questions:

1. What difference did it make that women were involved in the transitional justice process?
2. What mechanisms aided the participation of women?
3. How did women overcome specific obstacles to their participation?

ACTIVITY VI: Integrating Women: A Simulation on Transitional Justice for Tranzicia

Objective:

Identify key mechanisms to strengthen and encourage women’s participation in transitional justice processes

Methodology:

- Small group discussion
- Role-play
- Entire group debriefing

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

100 minutes

Activity steps:

1. Break participants into small groups to analyze a fictitious post-conflict country, Tranzicia [see Appendix D]. (5 minutes)
2. Explain that each small group consists of a team of experts asked to outline a transitional justice mechanism for Tranzicia that incorporates the needs and priorities of women. Ask participants to follow directions as they play their assigned roles. (5 minutes)
3. Circulate among the small groups as they work independently. (60 minutes)
4. Ask each group to present its proposed transitional justice system to the UN Special Representative of the Secretary-General. (20 minutes)
5. Facilitate the large group discussion of the proposed mechanisms. (10 minutes)

Sample debriefing questions:

1. What are the pros and cons of international criminal tribunals?
2. What impact might the location of the tribunal have on proceedings?
3. Why are truth and reconciliation commissions appropriate for some contexts and not others?
4. How specifically would you engage women in the design, establishment, and operation of transitional justice mechanisms?

ACTIVITY VII: Exploring the Opportunities and Challenges

Objective:

Identify opportunities and challenges associated with women’s participation in transitional justice processes

Methodology:

- Small group discussion
- Entire group debriefing

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

60 minutes

Activity steps:

1. Ask participants to identify transitional justice mechanisms in their context. Suggest they include examples of traditional judicial processes as well as local and national reconciliation commissions. (15 minutes)
2. Explain the exercise to participants. (5 minutes)
3. Split participants into small groups and ask each group to analyze:
 - Opportunities for increasing women’s participation in transitional justice (e.g., giving victims a voice); and
 - Challenges women face in increasing their participation (e.g., not safe to give public testimony). (30 minutes)
4. Facilitate a debriefing with the entire group. Each small group will contribute opportunities and challenges, adding to the collective list, until all comments have been made and recorded on a flip chart. (10 minutes)

Sample debriefing questions:

1. How can your involvement with transitional justice efforts increase the probability they will succeed?
2. How can you overcome the challenges identified during the discussion?

ACTIVITY VIII: Promoting Women’s Inclusion in Your Context

Objectives:

Analyze current transitional justice efforts through a gender lens

Identify:

- Mechanisms for increasing women’s participation in current transitional justice
- Structures for women’s involvement

Methodology:

- Large group discussion
- Small group discussion

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

100 minutes

Activity steps:

1. Using the list of existing transitional justice mechanisms in their context developed during Activity VII, encourage participants to brainstorm additional mechanisms that could be created to increase the efficacy of the transitional justice process. (20 minutes)
2. Divide participants into three small groups to focus on international, national, and local transitional justice mechanisms/structures (one level per group). (5 minutes)
3. Ask each group to generate a list of women’s needs and priorities that transitional justice mechanisms should address. Identify specific methods and/or actions for ensuring that women increase their involvement in transitional justice. (30 minutes)
4. Invite groups to present their recommendations. (30 minutes)
5. Facilitate a debriefing, noting common recommendations. (15 minutes)

Sample debriefing questions:

1. What role can donors play in advancing women’s participation in transitional justice?
2. How can you garner men’s support for your recommendations?
3. How can you best advance implementation of your recommendations?

Key distinctions between retributive and restorative justice

Retributive	Restorative
Victim is state	Victim is person
Crime violates laws	Crime violates a relationship
Focus on guilt	Focus on reparation
Debt owed to state	Debt owed to victim
Adversarial process	Communication-driven process
Focused on the past	Focused on the future
Offender has no role in resolution	Offender responsible in resolution
Win-lose outcome	Win-win outcome

Skit Scenario

Sameera is a 13-year-old girl who had to drop out of school and work to provide for her family while her father fights in the war. Unable to feed her family on her meager salary, Sameera becomes desperate and steals two chickens from a neighbor's farm. While attempting to flee the scene, her neighbor catches her.

María Emma Wills Obregón

Conflict Background: Colombia

- The 1948 assassination of a popular leader kicked off “La Violencia,” a period of 20 years of political exclusion leading to the death of 200,000 Colombians.
- Guerrilla insurgencies, paramilitary groups, the military, and the police have been responsible for over 60,000 deaths since 1985. Eighty percent of these deaths were civilian casualties. Civilians are often intentionally targeted and accused of sympathizing with armed groups.
- More than 50% of the estimated 3 million internally displaced persons in Colombia are women. In 2008 alone more than 250,000 newly displaced persons were reported.
- Past attempts at official peace negotiations have failed completely. However, women’s engagement in peacemaking increased in the early 1990s and women have formed a complex network of national and local organizations.
- In 2007, the paramilitary forces reached an agreement with the government to cease their violent activities. Close to 30,000 former paramilitary fighters, including 2,000 women, are now at various stages of a UN-supported DDR process.

Biographical Information

- María Emma Wills Obregón leads the Department of Gender in the Historical Memory Commission.
- Since 2005, she has been chair of the political science department and associate professor at the Universidad de los Andes in Bogotá. For three years prior, Maria was associate professor at the Universidad Nacional de Colombia, and from 2000 to 2002, she directed the master’s program for the university’s Institute of Political Science and International Relations.
- As an expert on conflict and democracy and Colombian social movements, she is now researching the relationship between war, memory, peace building, and women. She has also researched women’s movements, grassroots education, and best practices to increase women’s political participation.
- Maria published a book on women’s inclusion and representation under democratic regimes, focusing on Colombia from 1970 to 2000.
- She has also published book chapters on topics including politics, the peace process, and President Álvaro Uribe’s government and gender equality, as well as numerous articles in journals.

Pumla Gobodo-Madikizela

Conflict Background: South Africa

- In 1948, a newly elected right wing government in South Africa implemented apartheid, a system of institutionalized racism and segregation.
- Between the 1960s and 1980s, the South African government carried out a resettlement policy, involuntarily relocating more than 3 million people.
- Although both whites and blacks have been perpetrators of racial violence, blacks were consistently targeted. An estimated 20,000 people died from political violence during apartheid.
- Women dually faced gender discrimination and racial discrimination.
- Apartheid became illegal in 1994. South Africans of all backgrounds came together to celebrate transition to a true democracy, electing the longtime leader of the African National Congress, Nelson Mandela.
- To bring healing and reconciliation to the country, South Africa established the first Truth and Reconciliation Commission (TRC), in which women played an essential role.

Transitional Justice

Appendix C (continued)

Biographical Information

- Pumla Gobodo-Madikizela is associate professor of psychology at the University of Cape Town and a senior consultant for reconciliation at South Africa's Institute for Justice and Reconciliation.
- In 1996, she joined the Human Rights Violations Committee of the TRC, the program designed to help South Africa overcome its history of apartheid, which was marked by violence on the part of both the state and the liberation movement.
- She initiated and developed the TRC's first outreach program, giving victims of human rights violations a chance to speak publicly about their abuse, and she facilitated public hearings in the Western Cape province.
- Pumla is the recipient of numerous awards, including a peace fellowship at the Bunting Fellowship Program of the Radcliffe Institute for Advanced Studies at Harvard University.
- Her acclaimed book on apology and forgiveness in the context of conflict and atrocity, *A Human Being Died That Night: A South African Story of Forgiveness*, was published in 2003 and was awarded the Alan Paton Prize, the top literary prize in South Africa.
- She is currently working in Sierra Leone to promote women's political participation.

Simulation: Designing Transitional Justice for Tranzicia

Tranzicia recently emerged from a war that caused the death of over 50,000 individuals and the displacement of over 300,000 people out of a total population of 3 million. A majority of the violence affected civilians, in particular women and children, who now make up the majority of the displaced. Gender-based violence was integral to the conflict, and rape was used as a war tactic. Levels of domestic violence are high and many traditional social structures and families have suffered as a result. Additionally, a significant proportion of the rebel forces were women.

The primary actor in the conflict was the National Liberation Army (NLA), claiming to represent the majority ethnic group, the Catas. They opposed official government forces, which primarily were controlled by the largest ethnic minority group. The country also has other minorities, including the Ga group, which has been persecuted by the NLA and the government. There is strong political will to end the violence, as evidenced by an arranged ceasefire. The actors are now negotiating the most appropriate transitional justice mechanism. The international community supports the cease-fire and is a leading player in reaching an agreement. Historically, some ethnic groups have practiced a traditional form of indigenous conflict resolution, but during the war those practices all but disappeared. National women's organizations are trying to advance reconciliation, by promoting a historic memory commission.

The UN asked a well-respected international non-governmental organization (NGO) to work with stakeholders to generate recommendations for developing an appropriate and effective transitional justice mechanism for Tranzicia. The UN Special Representative of the Secretary-General (SRSG) has invited stakeholders, including the NGO director who will facilitate the meeting, to present their recommendations today. The UN is ready to commit major financial resources to the process, as long as the parties to the conflict can agree. The UN has requested the final proposal include local, national, and international mechanisms of transitional justice.

In drafting the framework, you need to produce a document that clarifies the following in specific bullet points:

1. **Mandate**, e.g., prosecute who, for which crimes, over what period
2. **Format**, e.g., Truth and Reconciliation Commission (TRC) or a local council
3. **Accountability**, e.g., refer leaders to the International Criminal Court (ICC), try in national court, offer amnesty
4. **Reparations**, e.g., educational benefits, agricultural assistance

The following representatives are involved in the discussions:

1. Facilitator(s): Director(s) of an international transitional justice NGO
2. Female ex-combatant with the NLA
3. Ga minority group leader
4. Minister of Justice, Government of Tranzicia
5. UN representative ("Messenger of Peace")
6. Local women's organization representative

Facilitator(s): Director(s) of an international transitional justice NGO

Over the last year, you convened several sessions to work on creating a transitional justice mechanism. In principle, all the parties agreed that there is the need for a specific mechanism to address victims of past crimes. Yet, some differences remain, especially considering the detailed plans around reparations and accountability. Some of the parties to the conflict favor total amnesty; others prefer some formal judicial processing. Still others would focus mostly on victims' needs.

Your job is to facilitate the discussion and prepare the document to present to the UN SRSG. You are sympathetic to women's requests in general, but your primary goal for today is to reach an agreement. Therefore, you are willing to sacrifice some of the long-term goals, victims' needs, or reconciliation programs for a more immediate commitment to peaceful settlement. Thus, you may be somewhat lenient towards the main perpetrators of the violence.

Female ex-combatant with the NLA

You are a female ex-combatant affiliated with the NLA's ten-year struggle. You understand how tired the NLA rank and file is of the suffering and how they are willing to abide by this agreement to end the violence. Additionally, it seems funding from other countries is running out. The NLA feels the government has been the greatest perpetrator of crimes, but it is your job to put aside any biases or hostilities you may still feel in order to work toward a joint, comprehensive transitional justice mechanism.

You want assurances major government and military leaders will be tried, preferably in an international court. You are willing to have amnesty or some type of truth and reconciliation mechanism for those who have not committed serious crimes. The NLA understands some of its own people may have committed violent acts as well. You seek a compromise to include international guarantees. Your role is to contribute to the development of an acceptable balance of accountability and/or amnesty and to make sure that the needs of combatants are addressed through justice and reconciliation. Having been in the trenches with your female comrades, you recognize their unique position. Therefore, you insist that women be involved not solely as victims, but as leaders of specific components of the transitional justice mechanism.

Ga minority group leader

You believe the Ga have been unfairly persecuted and have suffered through a war they did not initiate. Transitional justice will be very important for the healing and stabilization of the Ga since they were targeted by both sides in the conflict as collaborators. Your primary goal is to ensure the needs of your people will be incorporated in the transitional justice mechanism.

You are willing to support an informal healing and reconciliation process that fits your customs; however, you would like some government and NLA leaders to stand trial. You cannot support a mechanism that does not specifically include some form of reparations and address male and female victims' concerns. You believe women played a unique role as witnesses to the conflict and have important contributions to make through testimonies. You also believe it is important that the international community commit to monitoring the agreement and the post-conflict process.

Minister of Justice, Government of Tranzicia

You are part of the more moderate group that recently took control of the government. You are ready to end the war and want to find a way to move forward. In any potential reconciliation plan, you want to ensure you and your colleagues are not legally tried. First, you believe your actions were legitimate. Second, if there is threat of a legal process, you are sure moderates will lose political support and power.

Many of your colleagues have substantial financial assets they want to protect and use to help rebuild the country—some of which were illegally obtained. You want to ensure the key leaders of the rebel NLA are brought to justice. You are open to a truth and reconciliation process; however, you believe there is need to wait for a deal with the NLA. Therefore, you are resistant to the pressure by internationals to include women and their priorities. You believe that justice is “gender-blind,” and you will resist any special gender provisions.

UN representative (“Messenger of Peace”)

Per his authority outlined in UN Security Council Resolution 1325 and 1820, the UN Secretary-General appointed you a Messenger of Peace, advocating for ending violence against women. In your role, gender and conflict resolution are essential. Today, your task is to address the needs of women and girls of all groups. Specifically, you will argue for no impunity or amnesty for sexual crimes. Whatever mechanism parties agree to must include accountability for gender-based violence. In addition, you want to build the agency and increase the participation of women as the country moves through processes for reconciliation. You believe women are uniquely suited to liaise with witnesses, particularly to collect data and evidence of sexual violence. You understand that further incorporating women into the country’s socio-political system is pivotal to decreasing violence against women.

UN Security Council Resolution 1820 (2008) states “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide.” Thus, you want to see sections of the transitional justice mechanism clearly outline legal avenues for investigation, prosecution, and trial of those most responsible for rape and sexual violence.

Local women's organization representative

As the director of a local women's organization, you have seen the dramatic effects of systematic rape on communities and individuals. You feel passionately about the need for reparations for victims and mechanisms for individual and community-level healing. You would like mechanisms established that also make known, bring to justice, or otherwise address all forms of sexual violence. You are a strong advocate for women's participation in all levels of transitional justice.

You understand the potentially serious consequences if the transitional justice mechanisms developed are not gender-sensitive enough to serve the needs of Tranzicia's society. You and other women's organizations support a TRC as a critical component for promoting national healing.