

Women's Meaningful Participation in Transitional Justice

Advancing Gender Equality
and Building Sustainable Peace





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Foreword

In most conflicts and crises, women and girls are disproportionately affected. They suffer from sexual and gender-based violence, lack of access to justice, remedy, and of vital resources. At the same time, we often see women at the forefront of the battle for human rights and freedoms. UNDP applauds and stands with fearless women leaders of peaceful protests, advocacy campaigns and peacebuilding efforts around the world. To leave no one behind, we support women who exercise their inalienable right and great potential to create real change in their communities and countries.

Although the COVID-19 pandemic has reversed and challenged several gains of previous decades, it has also encouraged and reinforced women's meaningful participation in decision-making. Women's empowerment and gender equality are essential to achieving the 2030 Agenda for Sustainable Development.

This study is a tribute to women whose presence, knowledge, voice and determination had powerful impact on transitional justice processes. With case studies from Colombia, Guatemala, Sri Lanka, The Gambia, and Tunisia the study provides strong evidence that more inclusion of women leads eventually to more inclusion for everyone. In all these contexts and beyond, UNDP promotes women's meaningful participation which means not only having a seat at the table, but a voice and influence. This is a prerequisite for building more sustainable peace.

UNDP, UN Women and sister-agencies, global partners and civil society, remain committed to work towards gender equality. We support governments in promoting and fulfilling the Women, Peace and Security Agenda which calls on countries to systematically include women in peacebuilding efforts and ensure their meaningful participation as part of an integrated response to crisis. More broadly, we build capacities for gender sensitive programming and policies to promote equality as a basis for sustainable development.

Through UNDP's *Global Programme for Strengthening the Rule of Law, Human Rights, Justice and Security for Sustainable Peace and Development* and by leveraging our partnership with UN Women through the **Gender Justice Platform**, we will invest stronger joint efforts in closing the justice gap for women and girls in complex contexts. The role of women in shaping peaceful and inclusive societies, including through their meaningful participation in transitional justice processes, must be acknowledged and strengthened in order to ensure sustainable peace and a more just future for all.

Asako Okai

Assistant Secretary-General, Assistant Administrator,
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Over two decades ago, with resolution 1325 (2000), the Security Council recognized the importance of the equal participation and full involvement of women in all efforts for maintaining and promoting peace and security. In resolution 2467 (2019), the Security Council specifically called for women's meaningful participation in transitional justice processes. Turning the Security Council's words into actions and real change for women and girls around the world is a central pillar of UN Women's work.

This study is unequivocal that women have the right to participate in transitional justice processes. At the same time, when women sit at the table and influence outcomes, all of society benefits. Women leaders shatter gender stereotypes, create new narratives about women's roles in society, and confront the legacies of gender-based violence and gender inequality head-on. At UN Women, we see this in our work around the world, every day. Women's meaningful participation in all aspects of peace and security – including transitional justice – is foundational to our ability to build and sustain peace.

UN Women is grateful to the women leaders who paved the way for this study: the women peacebuilders demanding justice for past crimes and human rights violations; women victim-survivors participating in criminal justice, reparations and truth-telling processes; and women serving in these bodies as prosecutors and judges, witness support experts, gender advisors, translators. All these women – and many, many more – have contributed a vast body of experience and knowledge that this report seeks to amplify, consolidate and build upon.

This study provides a roadmap for the United Nations to support diverse women to participate in and influence transitional justice processes. UN Women is committed to acting on the recommendations contained in the report, in collaboration with other UN entities, including through our innovative joint Gender Justice Platform with UNDP. Together, the United Nations must place women's meaningful participation at the center of our efforts to support States, civil society, and women leaders, survivors and victims of violence to deliver transitional justice processes and outcomes. We have a responsibility to create a safe and enabling environment for all women to exert their power, to shape peace and justice in their communities and countries.

Åsa Regnér

Assistant Secretary-General,
and Deputy Executive Director, UN Women

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Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIPEV	Commission of Inquiry into Post Election Violence (Kenya)
CPA	Comprehensive Peace Agreement
CRSV	Conflict Related Sexual Violence
CSIVI	Commission for the Follow-up, Promotion and Verification of the Final Agreement (Colombia)
CSO	Civil Society Organization
CTF	Consultation Task Force on Reconciliation Mechanisms (Sri Lanka)
CVR	Comisión de la verdad y Reconciliación (Peru)
DPPA	Department of Political and Peacebuilding Affairs (United Nations)
DESA	Department of Economic and Social Affairs (United Nations)
ECAP	Asociación Equipo de Estudios Comunitarios y Acción Psicosocial (Guatemala)
GDP	Gross Domestic Product
IVD	Instance Vérité et Dignité (Truth and Dignity Commission – Tunisia)
LGBTIQ+	Lesbian, Gay, Bisexual, Trans, Intersex and Queer and allies
M&E	Monitoring and Evaluation
MSC	Most Significant Change
NGO	Non-Governmental Organization
OHCHR	Office for the High Commissioner for Human Rights (United Nations)
OM	Outcome Mapping
PDIA	Problem-Driven Iterative Adaptation
SDG	Sustainable Development Goal
SGBV	Sexual and Gender-Based Violence
SMS	Short Message Service ('text' messaging)
TDC	Truth and Dignity Commission (Instance Vérité et Dignité – Tunisia)
TJR	Transitional Justice and Reconciliation
ToC	Theory of Change
TRRC	Truth, Reconciliation and Reparations Commission (The Gambia)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNPBF	United Nations Peacebuilding Fund
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
UNW	UN Women (United Nations Entity for Gender Equality and the Empowerment of Women)
VAW	Violence Against Women
WPS	Women, Peace and Security
ZTF	Zonal Consultation Task Force on Reconciliation Mechanisms (Sri Lanka)

Executive Summary

This brief, and the accompanying policy paper, are intended to trigger UN ‘rethinks’ about women’s participation in transitional justice at both the policy and programme levels. As a strategic start to examine a complex, challenging and urgent subject, it is intentionally reflective and propositional rather than definitive or exhaustive.

This brief explores what women’s meaningful participation in transitional justice means and ‘looks like’, in policy and practice. The paper focuses specifically on women and addressing the unique barriers to women’s meaningful participation in transitional justice processes as a result of gender-based discrimination. Importantly, this is not a ‘gender analysis’ and does not focus on other gender aspects of transitional justice.

After reviewing the current policy framework and assertions for women’s meaningful participation in transitional justice, the brief also highlights critical gaps between policy and practice. Notwithstanding the ubiquity of ‘women’s participation’ language, a unified and elaborated definition of women’s meaningful participation in peace, security and transitional justice does not exist for the UN. Therefore, the brief suggests a definition for women’s meaningful participation in transitional justice, as well as typologies of women stakeholders and roles that women play within transitional justice. Fundamentally, ‘meaningful’ women’s participation in transitional justice does not only involve women being present—instead, it involves the convergence of several elements and manifests when women from diverse backgrounds: have the ability to enter; are present; possess self-efficacy; deploy their agency; and exert influence over transitional justice processes.

The brief then suggests and examines a series of lessons for advancing women’s meaningful participation in transitional justice, including:

- 1 Accommodating intersectionality is essential;**
- 2 Transparent and inclusive selection is key;**
- 3 Women’s meaningful participation must grapple with male power structures;**
- 4 Women’s meaningful participation takes place ‘before’ and ‘after’ implementation;**
- 5 The ‘timing’ of transitional justice processes impacts women’s meaningful participation;**
- 6 Women should have opportunities to participate across all stakeholder typologies;**
- 7 Contextualizing transitional justice is imperative—context is everything;**

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