



SEMINAR REPORT

Envisioning Transitional Justice Approaches for Transformational Impact

The AU-EU Experts' Seminar
on Transitional Justice,
Brussels, June 2024



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Acknowledgments

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About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims' rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice approaches, including criminal prosecutions, reparations initiatives, truth seeking and memory, and institutional reform. For more information, **visit www.ictj.org**

About the Initiative for Transitional Justice

The Initiative for Transitional Justice in Africa (ITJA) is a three-year project jointly launched by the African Union (AU) and the European Union. The project is coordinated by the International Centre for Transitional Justice and co-implemented in collaboration with the African Transitional Justice Legacy Fund and the Centre for the Study of Violence and Reconciliation. The primary goal of the ITJA is to promote the implementation of the African Union Transitional Justice Policy (AUTJP) and support the roll-out of the AU's roadmap for the implementation of the AUTJP through the provision of technical assistance and capacity building, knowledge generation, and supporting civil society and victims' groups to promote and meaningfully influence transitional justice processes on the continent.

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Introduction

In an increasingly complex international context, with numerous active and protracted conflicts and widespread instability, transitional justice continues to consolidate as a key set of judicial and non-judicial tools to address past cycles of gross human rights violations; provide redress to victims; and prevent the recurrence of abuses. Following the 2010 adoption of the UN Guidance Note on Transitional Justice, several other intergovernmental institutions also adopted policy frameworks to guide their work to support conflict-affected communities and societies' transition to peace. First was the European Union (EU), which adopted the EU's Policy Framework on Support to Transitional Justice in 2015. Next was the African Union (AU), which adopted its Transitional Justice Policy (AUTJP) in 2019, along with a roadmap to its implementation in 2020. While both frameworks show a strong commitment to advancing transitional justice, there are significant differences: the AUTJP is primarily focused on setting standards concerning how transitional justice processes are designed and implemented in African states, whereas the EU policy has a more external outlook, focused on advancing the principles and goals of transitional justice globally.

In recent AU–EU human rights dialogues, both parties pledged to collaborate on transitional justice and translate their commitments into concrete actions. As part of this cooperation, they agreed to jointly convene annual, expert-level seminars on transitional justice to discuss key policy developments, share best practices, and learn from each other's expertise. Further to this collaboration, the AU and EU launched the Initiative for Transitional Justice in Africa (ITJA), a three-year project focused on supporting AU member states to incorporate the AUTJP nationally by providing technical assistance, fostering knowledge production and management, and strengthening the capacity of victims' groups and civil society. In doing so, the ITJA seeks to promote redress for victims, prevent the recurrence of abuses, and help societies across the African continent become more just, peaceful, and accountable.

Building on previous seminars and informed by the 2023 Guidance Note of the UN Secretary-General on Transitional Justice, the 2024 joint seminar brought together experts and practitioners from Africa and Europe to reflect on critical issues in transitional justice policy and practice. Participants also strategized about how transitional justice processes can be designed and implemented to realize personal, societal, and institutional transformation.

The seminar had the following objectives:

1. To facilitate a platform for experts from the AU and EU to share their experiences, challenges, and best practices in transitional justice;
2. To reflect on advancements in the field of transitional justice since the previous seminar;

3. To develop a deeper understanding of and share best practices on integrating mental health and psychosocial support (MHPSS), education, constitutionalism, vetting, and institutional reform in transitional justice approaches.

This seminar report reflects the main discussions that emerged during the two-day event and highlights key recommendations from the experts and practitioners in attendance. Quotes from participants are highlighted throughout the report, though they have not been attributed to individuals as the discussions took place under the Chatham House Rule.

Thematic Overview: Transitional Justice as a Tool for Tangible Transformation

As indicated in the 2023 UN Guidance Note, “transitional justice aspires to be transformative at various levels.”¹ Its potential lies in its ability to affect individuals at the personal level by “restoring their dignity and reaffirming their status as rights holders,”² to transform societies and communities by rebuilding the social contract and societal relations, and to re-think those state institutions and power structures that may be at the root of conflict and violence. The 2024 experts’ seminar offered a space for cross-cultural interaction and dialogue to unlock such transformative potential by highlighting the links between the personal, social, and institutional dimensions of transitional justice. Specifically, it focused on MHPSS as a key element to enable personal transformation, education as a critical tool to trigger societal transformation, and institutional reforms and state-building as essential steps toward realizing institutional transformation. The discussions emphasized how these elements are mutually reinforcing and explored their contributions to realizing the three dimensions of transformation.

Personal Transformation: Mental Health and Psychosocial Support

In the past few years, there has been a growing awareness of the centrality of mental health and psychosocial support in all aspects of transitional justice. A notable indication of this trend is the recognition by both the AU and EU of the importance of addressing trauma in post-conflict societies and the key role that MHPSS plays in ensuring victims’ well-being after periods of violence and abuse. This has been accompanied by increased recognition of the need to move beyond the “do no harm” principle toward a more intentional and systematic approach to integrating MHPSS throughout transitional justice processes. This entails mainstreaming MHPSS as a lens of analysis throughout all phases of transitional justice, applying MHPSS to ensure the well-being of personnel within organizations working on transitional justice and institutions mandated to pursue accountability, and using an MHPSS approach to guide the design and implementation of programs and projects.

While both the AU and EU have taken steps to incorporate MHPSS in their work, there are still significant challenges to its inclusion in transitional justice processes. There are also substantial disparities between African and European contexts, particularly in terms of funding, local expertise, and availability of mental health professionals.

¹ UN, “Guidance Note of the Secretary General on Transitional Justice: A Strategic Tool for People, Prevention and Peace” (2023), 11.

² Ibid.

“We should shift from viewing MHPSS as an intervention to integrating it as an approach that shapes and guides transitional justice processes.”

During discussions on this topic, experts Brandon Hamber (Ulster University), Eveline de Bruijn (independent expert), Annah Moyo (Centre for the Study of Violence and Reconciliation), Virginie Ladisch (International Center for Transitional Justice), Eoin O’Shea (DIGNITY), Lorraine Gugu Shabala (Centre for the Study of Violence and Reconciliation), and Ambassador Calixte Aristide Mbari (African

Union Commission) sought to unpack the nature of trauma in the context of mass atrocities and lay out best practices and approaches for effectively integrating MHPSS interventions into transitional justice processes. What follows are the key takeaways from these discussions.

Individual trauma is usually associated with direct harm inflicted on victims, for example, as a result of violations such as murder, torture, disappearance, or physical harm causing severe injury. However, a psychosocial approach reveals that damage extends beyond direct, individual harm and has a collective social, cultural, and spiritual impact on societies. It includes the destruction of social life, community life, and sense of belonging, as well as the dismantling of institutions and the erosion of norms, values, and principles.

The speakers acknowledged the challenges to managing trauma in contexts of widespread atrocities. For example, they noted a tendency to focus on direct victims rather than the collective trauma affecting entire societies or specific communities who have experienced or fear experiencing atrocities. Additionally, they explained that there is also a preference for clinical approaches to healing over community-based ones, which often undermines existing community support mechanisms rooted in traditional beliefs, cultures, and religions that are more relatable and sustainable for victims. The speakers also highlighted how there has been limited attention paid to intergenerational trauma, noting how unresolved trauma from one generation can cause anger and violence in the next one.

In this respect, culturally appropriate and community-based approaches to MHPSS that promote social cohesion and trusted indigenous processes can play a key role in rebuilding relationships, addressing victims’ needs, and providing comprehensive, adequate, and sustainable support after periods of mass violence.

Positive changes in the existing environment, which may include political shifts and the establishment of victim-centered transitional justice mechanisms, are also critical aspects of trauma recovery. As such, they must be considered in MHPSS interventions.

An approach to MHPSS that addresses the multiple dimensions of trauma is also crucial for non-repetition because unaddressed grievances can lead to renewed cycles of violence, even across generations. This was the case in South Sudan, for instance, where unresolved trauma, abuse, and anger led to continued violence and acts of revenge. By addressing victims’ needs, promoting dialogue and community engagement, and fostering resilience, MHPSS can contribute greatly to social cohesion, ideally lowering the chances of recurrence. In this sense, the creation of safe common spaces for discussing trauma and fostering mutual understanding is essential to bridging divides, bringing people together, and generating opportunities for violence prevention.

For MHPSS interventions to be effective and meaningful, victims need to be in the “driver’s seat” during their design and implementation so that conceptual ideas translate into meaningful actions. Pre-designed and one-size-fits-all approaches often fail to meet victims’ needs or further their recovery. Experts cited the positive example of a Syrian civil society leader who understood the importance of victim agency and empowerment. His organization offered psychosocial support to Syrian survivors, but it was not accepted until it was framed as

a tool to aid in their fight for justice and efforts to rebuild their lives. This approach empowered victims to accept support by linking it to their sense of dignity and agency.

Consultation and participation in MHPSS processes are key to increasing victims' sense of ownership and instrumental in ensuring that the support provided is adequately tailored to their experiences. This must also be accompanied by education and awareness-raising campaigns that highlight the importance of mental health and psychological care, not just among policymakers but also among affected individuals and communities, who might be averse to these interventions due to the stigma often attached to mental health issues.

MHPSS cannot just be an add-on to transitional justice processes, nor an isolated service provided to victims and survivors. Instead, it needs to be used as a lens to be mainstreamed throughout all transitional justice processes and mechanisms.

Recognizing and factoring in the psychosocial needs of those affected during the design, implementation, and evaluation stages of transitional justice interventions is essential to ensuring that they are truly victim-centered and key to avoiding re-traumatization. Participating in transitional justice mechanisms can require victims and survivors to re-live harmful or violent experiences. In this context, an MHPSS approach to participation becomes essential for helping victims feel safe and comfortable when interacting with the mechanisms and guaranteeing that participation will not cause further trauma. In doing so, it is important to build the capacities of MHPSS staff, legal personnel, and transitional justice experts so that they are equipped with the necessary knowledge and skills to avoid re-traumatization. This will promote transitional justice mechanisms that are at the service of survivors and do not constitute a source of increased harm. Only if MHPSS is effectively considered and implemented will individuals and communities affected by mass violence be able to benefit from its full transformative potential.

“Just like gender, mainstreaming MHPSS calls for so much more than adding a few counselors to an intervention. It is about applying principles and concepts of MHPSS as a frame of analysis to help us understand and assess contexts and guide the design, implementation, and evaluation of trauma-informed transitional justice interventions.”

Social Transformation: A Transitional Justice Approach to Education

Education can play a critical role in post-conflict contexts, as it has a strong transformative potential for communities and societies. Education programs in these contexts can positively contribute to promoting a rights-based society, fostering reconciliation, and preventing the recurrence of collective violence. However, when enacted without due regard to the social and political history of the context, education reforms can widen divisions within society. Inclusive processes to reform education curricula based on broad and meaningful consultations can help post-conflict states effectively address past violations and work toward preventing their recurrence. Both the AU and EU continue to show a commitment to education as a tool for transitional justice, as evidenced by the AU's 2024 focus on cultivating in-depth reforms of African education systems and the EU's continued support of education programs that draw lessons from a country's own experience of violations and abuses. Yet, aligning education reforms with transitional justice goals by reflecting national narratives concerning past violations is contentious, as education can become vulnerable to the politics of memory and the clash of opposing historical narratives.

To understand the central role that education plays in post-conflict societies, Professor Tim Murithi (Institute for Justice and Reconciliation, University of the Free State), Grainne McKenna (Wave Trauma Center), and Patience Chiradza (African Union Commission) shared

experiences from both continents, discussed key lessons learned, and explored ways to put education at the service of transitional justice processes. The key points raised and discussed are collected in this section.

Education can significantly contribute to fostering social change, promoting reconciliation, encouraging mutual understanding, and preventing further violence.

In Africa, existing education systems were widely structured during colonial rule to maintain power dynamics between the colonizers and the colonized; after independence, these systems were perpetuated, rather than dismantled, those dynamics. Education can be instrumental in rein-

venting existing economic, political, and social structures inherited from the past. It offers the opportunity to address historical injustices, foster liberation, and challenge oppressive ideologies. This aligns with one of the core objectives of transitional justice, which is to reformulate power. In this sense, an education system that empowers learners with critical awareness and analytical tools to understand and challenge injustice, exploitation, and power imbalances is essential to unlocking its full transformative potential. It is also vital to have an education system that ensures victims are informed and empowered to articulate their experiences. However, this requires a fundamental restructuring of educational power dynamics to actively engage individuals in their own learning and societal development.

“Education reforms in transitional societies must be informed by the violations experienced by affected individuals and communities, as well as by the aspirations of society to make a clean break from the past, guarantee non-recurrence of abuses, and foster sustainable peace.”

Education is also a powerful tool to help young people learn about their shared history and foster intergenerational dialogue, which is key to preventing further division and the recurrence of violence. In Northern Ireland, for instance, less than 10 percent of children are currently attending integrated schools that bring together children with Catholic, Protestant, and other backgrounds. This makes it difficult to ease persistent historical divisions among new generations, thereby affecting social cohesion and effective reconciliation.

While bringing children from different backgrounds together in formal education spaces presents numerous challenges and can prove highly contentious, an integrated system that is as objective as possible about a country's shared history could prevent further polarization of new generations. It could empower individuals to build inclusive societies and generate spaces for mutual understanding and social transformation.

In realizing its full transformative potential, it is essential to integrate the principles of transitional justice throughout the educational system and implement curricula that promote peace education, particularly through culturally relevant concepts (such as Ubuntu in Africa, for example). This will contribute significantly to building the needed skills for managing conflict and peace, particularly in violence-affected places with long histories of abuse. In this sense, policymakers must also be educated about the potential of peace education to ensure well designed and implemented reforms that can trigger positive societal change after conflict.

Institutional Transformation: Reforms and State-Building in Post-Conflict Contexts

Institutional reforms are a key pillar of transitional justice and a necessary step toward prevention and non-recurrence. In light of their huge potential for transforming post-conflict societies, experts Roseline Odede (Kenya National Commission on Human Rights), Ibrahim Bangura (University of Sierra Leone), Alexander Mayer-Reickh (EU Facility on Justice in

Conflict and Transition), and Roger Duthie (International Center for Transitional Justice) shared key lessons learned from past experiences of institutional reform and discussed some of the main challenges that tend to emerge in achieving effective reforms in fragile states. Their key points and arguments are explored in this section.

In conflict-affected contexts, state institutions such as the police, military, and judiciary are often instruments of repression and key enablers of gross human rights violations. As such, reforming these and other institutions through measures like vetting or oversight is essential for an effective transition to peace. Sanctioning abusive and corrupt officials and reforming institutions can ensure that they are independent, accountable, representative, and respectful of human rights.

Experience has shown that traditional and developmental approaches to reforms tend to perpetuate, rather than address, persisting tensions. For that reason, an approach that is focused on holding institutions accountable for violations is essential to advance justice and prevent further violence. However, a narrow focus on only those institutions directly involved in physical abuse is not sufficient or effective. As reflected in the 2023 UN Guidance Note, “measures that touch upon the societal, cultural and personal spheres are also needed.”³ State institutions can indirectly contribute to violence by perpetuating exclusion, discrimination, marginalization, and corruption, which, in turn, can aggravate tensions at different levels. It is thus imperative to consider a broad range of institutions, including social and economic ones, to address structural problems that might be at the root of violent conflicts. This could ultimately trigger a more thorough transformation at the political, social, and economic levels.

Unfortunately, limited resources and capacity, as well as resistance from those holding political and economic power, can pose serious challenges to the implementation of institutional reforms and ultimately compromise their preventive and transformative potential. One of the speakers noted that this was the case in Kenya, where serious challenges emerged during the implementation of the measures foreseen in the National Accord Agreement that followed the 2007 cycle of post-election violence. The agreement called for electoral and constitutional reforms, as well as the establishment of a Truth, Justice and Reconciliation Commission. However, issues related to political interference in the commission led to court challenges and internal divisions within the new mechanism, and its recommendations for reform were never implemented. This led to continued feelings of anger and marginalization. Implementation challenges also emerged concerning the police reforms mandated by the new constitution, as they were met with significant resistance from within the police and suffered from strong political interference and lack of funding. As a result, only 20 percent of police officers were successfully vetted. Similarly, challenges arose with the reform of the judiciary. Despite some progress, sustainability of the reforms was lacking, and many recommendations were ignored, leading to a return to the status quo.

In the case of Sierra Leone, the speakers identified factors such as bad governance, corruption, socioeconomic and political marginalization, the disempowerment of women, cap-

“The process of institutional reform and state building should also focus on dismantling institutions that were involved in, enabled, or promoted gross human rights violations.”

“Institutional reforms are a valuable tool for achieving transformation by redressing discrimination and marginalization, promoting gender equality, ensuring the equitable distribution of resources, and enabling the meaningful participation of underrepresented populations in civic and economic life.”

³ Ibid., at 20.

ture of state institutions by elites, and elite instrumentalization of the police, military, and judiciary as contributors to the country's civil war. The 1999 Lomé Peace Agreement signed by the warring parties provided for a series of reforms, including the establishment of new bodies such as a National Human Rights Commission, an Office of National Security, an Anti-Corruption Commission, a new Ministry of Defense and a Law Reform Commission. This led to renewed interest in political participation in the country and paved the way for wider civic space. This, together with reforms to the police force, led to increased stability in the country and enabled the holding of peaceful elections within the first year after the end of the conflict. Nevertheless, the reforms were not a panacea for post-conflict Sierra Leone, and significant challenges remain. Some of the country's Truth and Reconciliation Commission's recommendations are yet to be implemented, and the 2023 elections were rife with issues. This highlights the importance of continued support for the implementation of reforms and the need to ensure their sustainability to guarantee that they achieve their intended transformative results at the societal and state levels.

The Role of Civil Society in the Design and Implementation of Institutional Reforms and State-Building Initiatives

Civil society plays a key role in the design and implementation of reforms. This role is essential to ensure inclusion and public participation throughout the whole process, as civil society is uniquely positioned to articulate the needs and concerns that must be at the center of any measures put forward. The experience of countries like Kenya, where civil society played a critical role in shaping security sector, judicial, and constitutional reforms from the 1990s to 2010, has shown the tremendous potential of civil society involvement. However, in most contexts, civil society participation in institutional reforms and state-building initiatives remains limited. In this context, Idayat Hassan (Centre for Strategic International Studies), Andrew Songa (Human Rights and Rule of Law Expert), Sofija Todorovic (Youth Initiative for Human Rights), and John Gbodi Ikubaje (African Union Commission) discussed how civil society should take central stage in these processes as a necessary step for ensuring transparency and inclusivity. Additionally, they highlighted potential challenges to participation and discussed what support civil society organizations need to effectively play their part in institutional reforms and transitional justice.

“The meaningful participation of civil society in institutional reform processes not only enhances the legitimacy of the process but also brings tangible value by including the views of otherwise marginalized and underrepresented populations in the design and implementation of reforms.”

Civil society has a crucial role to play in advocating for strategic actions to address unequal power relations through institutional reforms. This includes agenda-setting, shaping reforms, facilitating inclusion and public participation, clarifying the complexity of reforms, and articulating the needs and concerns that should be the primary focus of reforms. Civil society can ensure effective consultation with victims and survivors, creating spaces for their voices to be heard before, during, and after the reform process. As such, civil society can play an essential part in ensuring that victims' views are reflected in the reforms and that the measures introduced consider their needs and are truly victim-centered.

Civil society is also key to ensuring transparency and accountability. It plays an important “policing” or “checks and balances” role by participating in public audits of reform processes and taking part in litigation procedures when those processes present flaws.

During the panel discussions, experts highlighted the important role civil society can play in influencing state policies. For instance, Nigerian civil society, through think tanks and other channels, successfully advocated for the establishment of the Operation Safe Corridors

program in the Niger Delta. The program facilitated the de-radicalization, rehabilitation, and reintegration of former Boko Haram insurgents. In Kenya, civil society was critical in defining the agenda for reforms, particularly regarding the police, judiciary, and constitution. Kenyan civil society not only participated in the mediation process in 2008, providing insights into the underlying causes of post-election violence, but also continued to hold the reform processes accountable. Similarly, in Serbia, civil society (especially youth and women) continues to be instrumental in pushing for transitional justice processes to address the legacy of past violations. In addition to advocating for state-driven transitional processes, civil society groups have spearheaded unofficial commemorative and truth-seeking efforts.

However, in most post-conflict and fragile states, dynamics such as political instability, weak governance structures, and uncertain national security dynamics pose significant challenges to civil society's efforts. In many African countries, civil society is under significant threat via arbitrary detentions, extrajudicial actions, and the militarization of governments. These factors seriously undermine civil society's capacities and overall role in shaping post-conflict dynamics. Against this backdrop, cultivating and maintaining civic space is crucial for the effective design and implementation of institutional reforms. Additionally, generating opportunities for participation is critical to ensuring that reform processes can be widely accessed by everyone. The latter is particularly important because issues related to transitional justice are often reserved for experts and technocrats, while only a more limited space is left for civil society involvement. This is especially true for those groups whose perspectives tend to be overlooked and sidelined, such as women and youth. In this sense, initiatives such as regional youth exchange programs implemented in contexts like the Balkans may contribute greatly to bridging ethnic divides and empowering young people to engage in peacebuilding and reconciliation, which is key to encouraging their participation in transitional justice processes.

Participatory platforms, strategic communications, public awareness, and collaboration within civil society are critical elements for building solidarity, sharing experiences, strengthening civil society's bargaining position in reforms, and ensuring that processes stay democratic and participatory. It is important that civil society moves away from its usual reactionary approach toward a more strategic one and that it maintains fluid channels of communication with victims and survivors to ensure alignment with their needs and aspirations. Evidence-based approaches to advocating for reforms are key to building trust between civil society and the state, thus fostering greater participation and influence of civil society in the reform process. However, ensuring the meaningful participation of civil society also requires providing organizations with flexible and sustained funding, legal and policy support, capacity building, and guarantees of safety and security.

A Gendered Perspective of Institutional Reforms and State-Building

Gender-sensitive reforms are often highlighted as essential components of efforts to reform laws, policies, and institutions in post-conflict states. However, unlocking the transformative potential of transitional justice requires more than simply giving women a seat at the policy-making table; they must also be involved in shaping the very structure of these processes and determining what is included in the reform agenda. In the panel discussion, experts Shuvai Busuman Nyoni (African Leadership Centre), Chiara Adamo (European Commission), and Sarah Kihika Kasande (International Center for Transitional Justice) examined the challenges, best practices, and entry points for women and marginalized groups to meaningfully contribute to reform and state-building efforts. This section captures their main points of discussion.

The primary aim of these reforms should be to transform societies and build accountable institutions, a goal that cannot be achieved without thoroughly addressing the gendered dimensions of past violations, including the role of individuals and institutions complicit in such abuses. The UN Secretary-General's 2023 Guidance Note underscores the need to ensure that institutional reforms promote women's leadership and address the gendered dimensions of

“In transitional contexts, we must be cautious not to introduce measures that entrench pre-existing inequalities. Restoring peace should not equate to reverting to a status quo characterized by discriminatory norms and practices.”

root causes of violations.⁴ Reforms must recognize that gender shapes how individuals experience conflict and influences patterns of exclusion in socio-economic and political processes.

It is crucial that institutional reforms and state-building efforts do not entrench or perpetuate pre-existing inequalities. Instead, they should aim to promote the inclusion of all individuals in decision-making processes. This can be achieved through gender-responsive interventions (including trainings on the topic), gender policies, and practical measures that

pay regard to gender equality. UN Women's Peace and Security Framework provides useful guidance on holistic approaches to securing substantive institutional gains on gender equality beyond gender representation.⁵

A transformative approach to transitional justice emphasizes that state-building and institutional reforms should not revert to the pre-conflict status quo, which is often characterized by discriminatory norms and policies that marginalize large sections of the population. Therefore, it is essential to clarify from the outset which institutions are targeted for reform, why reform is necessary, and what changes are sought. Equally important is defining the place of different genders within the post-reform state, ensuring that the state-building and reform processes foster gender equality.

A gendered perspective on institutional reform and state-building requires acknowledging the societal roles and expectations placed on women and men, as well as the hierarchies constructed around these gender identities. In many African countries, state institutions are highly patriarchal, positioning men at the center of decision-making processes while marginalizing women and other members of society. This male-dominated framing of the state contributes significantly to the violations experienced by women before, during, and after periods of violent conflict. As a result, reform agendas must extend beyond formal state institutions to examine socio-political structures that shape gender roles, including formal, informal, and non-formal education systems. These non-state institutions must also be examined and reformed to achieve societal transformation.

Addressing key issues such as citizenship rights, access to national resources, equal opportunities, and access to the state is crucial for ensuring that reforms have a transformative impact on gender equality in post-conflict states. These measures should acknowledge that conflict often significantly alters the roles of women and girls. Therefore, reforms should aim not to return women to subservient positions in society, but to empower them to actively participate in civic and economic life. Positive examples can be found in countries such as Kenya, Sierra Leone, Rwanda, and South Sudan, where efforts have been made to improve responsiveness to sexual violence and other gendered crimes and to ensure that women's representation in government does not fall below 35 percent. In the European context, the recognition of rape as a crime against humanity by the International Criminal Tribunal for the Former Yugoslavia paved the way for acknowledging sexual violence against women as part of international crimes. Additionally, the EU's Gender Action Plan integrates the Women, Peace, and Security agenda, ensuring that women and girls are protected from gender-based violence; can participate in public life; and have access to education, health care, social protection, and economic empowerment.⁶

4 Ibid.

5 UN Women, “What We Do: Peace and Security,” UN Women Website, www.unwomen.org/en/what-we-do/peace-and-security (accessed 2025).

6 European Commission High Representative of the Union for Foreign Affairs and Security Policy, “Joint Communication to the European Parliament and the Council: EU Gender Action Plan (Gap) III—An Ambitious Agenda

Despite this progress, gender must continue to be a central focus of institutional reform agendas. Political will is essential to achieving gender equality through institutional reforms and state-building processes. This should be reflected in the establishment and adequate resourcing of specialized gender ministries or high-level government mechanisms dedicated to promoting gender equality without being burdened by other social mandates. A gender lens should also be adopted in security sector reforms, with justice actors being capacitated to adopt gender-sensitive approaches to their work. Policies mandating gender representation in all state institutions are also vital. Civil society organizations are crucial drivers of transformation through their direct engagement with state institutions to advocate for policy change and their interactions with local communities to foster shifts in societal mindsets.

for Gender Equality and Women's Empowerment in EU External Action," (2020).

Synergizing Global and Regional Frameworks for Transitional Justice

The contemporary challenge of transitional justice in Africa and Europe lies in implementation. Three interlocutors—John Gbodi Ikubaje (African Union Commission), Céline Aucourrier (European Commission), and Abdoul Thioye (UN High Commissioner for Human Rights)—addressed this issue in a discussion moderated by Fernando Travesí (International Center for Transitional Justice). This dialogue between the AU, EU, and UN highlighted that the UN framework for transitional justice and the regional policies in Africa and Europe share common values and standards. The role of transitional justice mechanisms in ensuring accountability, redress, and reparation in the aftermath of collective violence and widespread violations is broadly acknowledged. A shared principle across the UN framework, the AUTJP, and the EU's Policy Framework on Transitional Justice is the centrality of victims and the need for their meaningful participation in all transitional justice processes.

The existence of these global and regional policy frameworks illustrates the evolution of transitional justice from its early stages into a field with consolidated, globalized, and regionalized norms. Despite this normative development, transitional justice remains a largely political project. This raises the challenge of overcoming the false dilemma of viewing justice and peace as conflicting imperatives to instead view them as mutually reinforcing goals, especially in fragile contexts with weak state institutions. The question is no longer *what* transitional justice is, but rather *how* effective processes can be designed and implemented in diverse contexts.

The 2023 UN Secretary-General's Guidance Note marks a shift from a narrow view of transitional justice as a mechanism for addressing past violations to a broader understanding of it as a strategic tool for societal transformation and the prevention of future abuses. This underscores the need to leverage the diverse expertise within the UN to address vulnerabilities, build community resilience, and foster sustainability. To this end, the UN established an inter-agency transitional justice task force, bringing together 15 UN entities to enhance collaboration and coordination on transitional justice issues. Additionally, under Human Rights Council Resolution 51/23, the Office of the UN High Commissioner for Human Rights is compiling a report on lessons learned and good practices for ensuring that transitional justice processes contribute to sustainable peace and development.

Despite the political nature of its processes, it remains crucial to recognize the normative framework of transitional justice to safeguard against its instrumentalization. In many post-conflict states, there is a heightened risk of transitional justice being weaponized for political gain at the expense of delivering meaningful redress to victims. A key safeguard against this is

“Regional and national transitional justice policies must translate into the implementation of credible processes that deliver redress for victims and create tangible transformative impact for communities and states affected by widespread violence and gross human rights violations.”

fostering local ownership of transitional justice processes by promoting the meaningful participation of victims and affected communities. This also includes recognizing the critical role of children and youth, not only as beneficiaries of transitional justice but also as agents of change. Ensuring that transitional justice processes are gender-responsive requires more than addressing issues that affect women; it necessitates deliberate efforts to promote women's leadership in these processes. The transformative potential of transitional justice can only be realized if women are meaningfully involved, including in efforts to address the gendered dimensions of the root causes of violations.

Context specificity is vital for ensuring that transitional justice processes are fit for purpose and responsive to local needs. It is important to avoid transplanting transitional justice models without proper contextualization. In this regard, the AUTJP emphasizes the importance of African traditional justice mechanisms as part of the measures that can be implemented to ensure accountability and redress in the African context. Taking local concepts of justice into account calls for a broader understanding of accountability that extends beyond judicial processes and criminal prosecutions.

The EU recognizes the significance of transitional justice as a prevention mechanism and emphasizes the need to build effective and accountable institutions capable of ensuring the non-recurrence of violations. This is also reflected in the AUTJP and the UN's transitional justice framework. However, a key challenge is balancing the need to address past violations with the imperative to tackle contemporary socioeconomic challenges, especially given the limited funding available for transitional justice processes. Ensuring a transformative impact for individuals, communities, and societies through transitional justice requires long-term investment in these processes.

Looking ahead, it is important to promote data-driven innovation to address the various challenges of implementing transitional justice in complex contexts. Better coordination among the AU, EU, and UN is also necessary to ensure efficient mobilization and utilization of resources. Moving from policymaking to effective implementation requires direct technical support to states designing and executing transitional justice processes. A good example is the technical assistance provided to African states—including the Democratic Republic of Congo, Ethiopia, Central African Republic, Gambia, Lesotho, and South Sudan—under the ITJA. Ultimately, the goal of transitional justice should be to deliver tangible impacts for the people and communities affected by widespread violence and gross human rights violations.

Conclusion

The seminar concluded with a renewed commitment to collaboration between the AU, EU and UN. It emphasized the need for transitional justice processes to address the root causes of conflict, including socioeconomic inequalities. The seminar also spotlighted the critical role of education in promoting peace and the need for concrete measures to facilitate the meaningful inclusion and participation of women, youth, and other marginalized groups in transitional justice. It emphasized the importance of a trauma-informed approach to transitional justice, the opening of civic space, enhanced support for civil society organizations, and the building of resilient state institutions. These insights serve as comprehensive guidelines on how transitional justice can be employed as a strategic tool to achieve transformational impact by addressing past violations, present challenges, and future threats in Africa and Europe.

Recommendations

- Invest in robust early warning mechanisms to continuously monitor risk factors related to violent conflict and implement early response mechanisms to de-escalate tense scenarios.
- Foster local ownership of transitional justice processes by investing in meaningful and inclusive consultations that target victims and communities affected by conflict from the very onset of designing transitional justice processes, not just at the implementation phase.

Institutional reform programs should not only focus on building credible institutions, but also on dismantling the machinery of abuse by adopting an accountability-based approach to reforms.

- Integrating MHPSS in transitional justice must go beyond piecemeal interventions and the traditional understanding of clinical psychology to embrace a transformative approach that applies a psychosocial lens to shape all phases of the process, including assessment, design, implementation, and evaluation.
- Peace and civic education are critical to fostering a democratic and peaceful society. Complementary to this, the education system and curricula must be designed to contribute to social change, inclusion, and prevention of violence, in alignment with transitional justice objectives.
- States need to shift their perspective on civil society from seeing it as an obstacle to recognizing it as a vital catalyst for credible and effective transitional justice processes. This shift should be reflected by efforts to create civic space that ensures participation and engagement from civil society in both the design and implementation of these transitional justice initiatives.
- The transitional justice process needs to be gender sensitive through the setting up of institutions that are responsive to gendered violations and ensuring gender representation in decision-making processes.
- It is imperative for partnerships between the AU, EU, and UN to be strengthened to ensure a unified approach to transitional justice that respects regional diversity while retaining core tenets, such as the need to guarantee the meaningful participation of victims and civil society to ensure that transitional justice delivers tangible impact to individuals and communities affected by gross human rights violations.
- The political commitment to realizing the transformative potential of transitional justice should be matched with long-term investment that allows for the establishment of mechanisms that can effectively address past violations, tackle present challenges, and prevent the recurrence of violations.

ICTJ New York
50 Broadway, 23rd Floor
New York, NY 10004
www.ictj.org