

From Justice for the Past to Peace and Inclusion for the Future

A Development
Approach
to Transitional
Justice

**Lessons Learned from
UNDP Policy and Practice**

The United Nations Development Programme (UNDP) is the leading United Nations organization fighting to end the injustice of poverty, inequality, and climate change. Working with our broad network of experts and partners in 170 countries, we help nations to build integrated, lasting solutions for people and planet. Learn more at undp.org or follow at [@UNDP](https://twitter.com/UNDP).

Copyright © UNDP 2020 All rights reserved.

United Nations Development Programme.
One United Nations Plaza New York, NY 10017, USA



From Justice for the Past to Peace and Inclusion for the Future:

A Development
Approach
to Transitional
Justice

**Lessons Learned from
UNDP Policy and Practice**

November 2020

Acknowledgements

We acknowledge the tireless efforts of UNDP staff and our partners implementing transitional justice programmes around the world. Thank you for the important work you are doing for victims and communities and your willingness to share your experiences throughout this paper.

We are grateful to the authors of this report, Lorena Mellado, Chelsea Shelton, Aparna Basnyat, Krishna Velupillai, Chris Mahoney and Djordje Djordjević.

Special thanks to the contributions of Nicolas Booth, Juliet Solomon and Glauca Boyer from UNDP, Emily Kenney from UN Women and Sebastiaan Verelst from OHCHR for their support as peer reviewers.

Also thanks to the many UNDP colleagues that provided valuable inputs from Country Offices, including: Alie B. Sesay, Antje Kraft, Claudia de Saravia, Corrado Quinto, Denisse Ledgard, Diana Angel, Esperanza González, Francesca Akello, Gloria Manzotti, Ida Persson, Ivan Jovanovic, Jairo Matallana, Lino Ogora, Liz Marroquin, Maria Salomé Garcia, Pilar Villanueva, Rawhi Afaghani, Sabina Hidanovic and Shahzada Ahmad.

Foreword

The current COVID-19 pandemic is recognized not only as a public health emergency, but also a socio-economic and human rights crisis. As of February 2021, over 2,400,000 people died from COVID-19, and the world is experiencing the largest economic shock in decades. The pandemic is also unveiling unaddressed injustices and exacerbating existing inequalities. Some state responses to the pandemic are also piling on human rights violations and new risks are posed through efforts to curb the spread of the virus, such as rapid digitalization and social isolation.

A historic movement against systemic racism is also sweeping the globe through the Black Lives Matter (BLM) movement. This was created in protest to incidents and racially motivated violence towards black people and has resonated with communities supporting the eradication of discrimination around the world. Similarly, over the past year, people joined social movements – many of them led by women and young people – and filled the streets with demands for equal rights, democracy and climate action – in countries including Algeria, Chile, Colombia, Haiti, Iraq, Lebanon and Sudan. Public demand for accountability is at an all-time high, as the daily decisions that states make have near immediate life or death consequences, particularly for people from marginalized communities.

This current context also closed many windows of opportunity for transitional justice processes as states focus their efforts on other urgent priorities and put in place measures to curb the spread of the virus, making transitional justice efforts more important than ever.

The commitment of governments to leave no one behind in the 2030 Agenda for Sustainable Development is being put to the test as the devastating effects of inequalities manifest in real time. It is painfully apparent that without justice for all there can be no peace, and that truth and reconciliation, must be at the forefront of states efforts for sustaining peace and development.

This provides a heightened context for the United Nations Development Programme's (UNDP) efforts to end the injustice of poverty, inequality and climate change. It is more important now than ever before that our efforts are rights-based and multidisciplinary to support Member States create peaceful, just and inclusive societies. UNDP's COVID-19 response offer *Beyond Recovery: Towards 2030* is a strategy to support national partners not only address

immediate health and socio-economic needs, but also to promote the rule of law, security, human rights, governance and conflict prevention measures needed to manage the pandemic and build resilience to future shocks. Support to transitional justice processes is essential for securing the rights of the most vulnerable, ensuring accountability and fostering social cohesion during this unprecedented time.

For over a decade, UNDP has supported transitional justice processes through a development lens – focusing on building national capacities and transforming systems to sustain and integrate progress achieved through transitional justice mechanisms. These issues are more relevant than ever and reaffirm the importance of UNDP support to transitional justice, to create more peaceful, just and inclusive societies. We need to focus not in getting back to the “normal” after the pandemic, but to implement a transformative recovery that builds a “better normal”, one that does not separate health from efforts to address systemic racism, or collective reparations from access to justice for all.

UNDP remains committed to supporting transitional justice processes around the world and partnering with other UN agencies and international organizations to take forward these important areas of work. This paper analyzes UNDP's experiences supporting transitional justice processes around the world with a view to contribute to broader international reflection on challenges and successes in the field. The experiences, lessons and recommendations outlined throughout this paper will be used to inform UNDP's transitional justice programming in the future so that we can better contribute to sustainable outcomes for victims, communities and countries/territories. A key part of this will be our ability to draw on all the tools at our disposal to adapt transitional justice processes to new realities and address interconnected challenges. We hope that the findings of this paper are also useful for our partners supporting transitional justice processes as we are committed to acting as one United Nations.

Asako Okai
Assistant Secretary-General
Assistant Administrator and Director
Crisis Bureau

Table of Contents

Foreword	5
Executive Summary	9
Introduction	11
What is transitional justice?	12
The origins and evolution of transitional justice	13
The UN framework for transitional justice	14
Key challenges for transitional justice	14
Transitional justice and the humanitarian-development-peace nexus	15
UNDP’s development approach to transitional justice	16
Main Areas of Work	19
Victim engagement	20
Identifying victims and ensuring representation	21
Victim participation	23
Victim- and people-centred support	25
Participatory processes and ownership	29
Approaches for broader participation	30
Building stakeholder capacity	32
Adequate conditions for participants security.....	33
Civil society engagement	34
Truth telling processes	35
Promoting inclusive processes	36
Seizing windows of opportunity	36
Building a victim-centric evidence base.....	36
Implementing recommendations	37
Institution building to promote accountability	38
Justice sector capacity building	39
The establishment of special courts	40
Security sector reforms	41
Politically smart programming.....	41
Reparations and development assistance	42
Objectives of reparations	43
State obligations and inherent challenges	44
Individual and collective reparations	45
Strengthening the rule of law and human rights to support guarantees of non-repetition	46
Transitional justice efforts in support of non-repetition	47
Development interventions in support of non-repetition.....	48
Linking Transitional Justice and Disarmament, Demobilization and Reintegration	53
DDR as guarantees of non-repetition	54
Vetting of members of armed forces and groups	54
Community-based reintegration as reparations	55
Conflict prevention and sustaining peace	56
The conflict prevention and sustaining peace paradigms.....	57
Addressing the root causes of conflict	57
Strategies for resilience-building.....	58
Key Lessons and Recommendations	59
Way Forward	62

Acronyms

BiH	Bosnia and Herzegovina
CAR	Central African Republic
COVID-19	Corona Virus Disease 19
CSO	Civil Society Organization
DDR	Disarmament, Demobilization, and Reintegration
DRC	Democratic Republic of the Congo
LGBTIQ+	Lesbian, Gay, Bisexual, Trans, Intersex and Queer
MINUSCA	Multidimensional Integrated Stabilization Mission in the Central African Republic
NHRIs	National Human Rights Institutions
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDG	Sustainable Development Goal
SSR	Security Sector Reform
SGBV	Sexual and Gender-Based Violence
UN	United Nations
UNDP	United Nations Development Programme
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_11558

