

VICTIMS FRONT AND CENTRE. LESSONS ON MEANINGFUL VICTIM PARTICIPATION FROM GUATEMALA AND UGANDA

EXECUTIVE SUMMARY

“ One day we will not be in this world anymore, but our granddaughters are growing up here. We want them and the people of our nation to realise what it was like from 1981 to 1984. ”

Paulina Ixtapa, survivor (Rabinal, Baja Verapaz, Guatemala).



Many speak and write about the need for transitional justice to be “victim-centred,” for victims’ needs to be “front and centre”. However, victims’ perspectives on what it means to be at the centre of transitional justice, a discipline that aims to address the legacy of a violent past in order to ensure a better future, have gotten lost as the field has become more professionalised and top-down; disjointed from grass-root movements for truth, justice, and reparations. Similarly, the meaning and value that victims give to their participation has often been overshadowed by legalistic approaches. For victims, participation is not merely a mechanical exercise, devoid of meaning. It is a unique opportunity to ensure that the State acknowledges the injustices inflicted upon them, which often have their roots in historical marginalisation, exclusion and discrimination, and takes action accordingly; a powerful tool to have their justice claims met and their rights and dignity upheld. It is part of a political process with the potential to transform victims’ lives and the lives of those in their communities.

This report is our attempt to recapitulate and explain what “victim-centred” should mean in the specific context of transitional justice. What is meaningful and can lead to change and what is merely ticking the box or promoting a mantra without providing the space for victims to shape their own future?



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The report stems from extensive research and consultations that were carried out with victims of armed conflict in Guatemala and Uganda. Both countries have been the focus of international assistance for transitional justice for many years and, as such, they provide a long-term perspective on what has worked and what has not in terms of victim participation. Even though both countries have adopted transitional justice measures to deal with past atrocities, their experiences of victim participation differ markedly and thus offer a unique opportunity for comparison and for drawing key lessons.

Our research suggests that a combination of participation within formal mechanisms as well as outside of them is essential to ensuring that transitional justice processes adequately meet victims' needs and contribute to wider political change. Meaningful participation within transitional justice mechanisms, for example during criminal trials, is key to ensure that the interests of victims are adequately represented. Participation outside of these formal mechanisms, particularly through grassroots activism, is equally essential, as it provides more freedom to articulate demands and to push forward a political agenda that meets the specific needs of victims in a given context.

The key lesson of this report is that meaningful victim participation is truly political and grassroots-oriented. Its aim, if done right, should explicitly place victims' needs at the centre, and emphasise processes that contribute to tackling structures of impunity, violence, and inequality. It stands in contrast to an approach to victim participation that is top-down, overly legalistic and institution-focused in nature.

In both countries on which we focus our research, governments have adopted some form of transitional justice measures. Authorities have, however, lacked the political will to genuinely engage with victims and to accommodate their needs. Still, in Guatemala, victims' active involvement in the calls for truth, justice, and reparations translated into the early adoption of measures that more adequately responded to their needs and that contributed to uprooting the root causes of the conflict, especially the prevailing structures of impunity in the country. Yet, as soon these measures began effecting positive changes, victims and civil society faced a huge backlash from the elites in power, while observing a retreat of efforts by the international community to support initiatives in the fight against impunity. This ultimately translated into the undermining of the transitional justice process. Worryingly, it also put victims and their local allies at risk. In Uganda, transitional justice measures have predominantly been State-led and promoted by the international community. Local authorities have responded by adopting a transitional justice framework that looks extremely promising on paper. However, the adoption of this framework is yet to yield meaningful results. Moreover, as victims have been largely excluded from the design of these policies, their needs have not been successfully captured.

The report further shows that while the claims of victims have translated into the adoption of State-sanctioned measures, particularly accountability mechanisms and reparations, these measures have not succeeded at satisfying victims' broad claims for justice. Still, victims in both contexts have pursued justice through varied processes, including through traditional justice systems, ordinary and international justice, and civil society initiatives. When these processes have complemented each other, they have better accommodated victims' claims and needs. Thus, actively pursuing complementarity between different mechanisms can be useful and will increase opportunities to see justice done, not only for one group of victims in a particular case, but also for the broader communities.

“ There is a gap in communications between the government, victim communities, political leaders and cultural leaders. Whenever victims raise their concerns, it is very hard for their pleas to be heard. This makes it very hard for the victim community to get reparations and access to justice. ”

Patrick Ocen, former child soldier and victim representative of the Uganda Victims and Survivors Network (Acholi, Uganda).

The experiences of Uganda and Guatemala further illustrate that an official reparations policy does not necessarily ensure redress for the harms that victims have suffered. Both countries have yet to see the kind of holistic approach to reparations that could lead to transformative change.

In both countries, it is fair to say that many aspects of transitional justice have failed, or as yet have not succeeded in addressing the needs of victims or leading to any meaningful change. The reasons for this differ in each country. In Uganda, the top-down approach to transitional justice has meant that victims have had little room to influence the process and have their voices heard. Even if the formal transitional justice policy was clearly articulated and established victim participation as a priority, in practice, victims have been largely excluded from the process. In contrast, in Guatemala, the transitional justice framework has been more piecemeal. Nevertheless, victims have been able to shape transitional justice initiatives more extensively, thanks to their vibrant activism, the accompaniment of local civil society organisations, and the support of international allies. The gains are currently under threat, with a government campaign that seeks to uphold impunity in order to stay in power. The lack of stronger political support by the international community towards the victims, risks undermining early successes.

While efforts to promote victim participation in both Guatemala and Uganda need to be urgently bolstered, the experience of both countries underline the need to adopt a meaningful approach to victim participation, which places victims' needs at the centre and which promotes transformative change. Moreover, the report underscores the importance of adopting integrated approaches to justice, the essential role of victims' activism, and the urgency of working with State authorities to ensure they are receptive to the claims of victims.

The report is, therefore, an invitation for policymakers to challenge assumptions about victims as passive agents and to recognise them as actors who can exert significant influence. It is also a call for integrated approaches to justice, which recognise the essential role of victims' activism and the urgency to working on reforming State institutions to ensure that they pursue a culture that is receptive of victims' claims.

The concept of what constitutes meaningful victim participation needs to be rethought. Policymakers should strive to adopt a more nuanced understanding of victim participation so that policies will be more likely to address the needs of victims and contribute to meaningful changes in the contexts in which they will be implemented. This should be the benchmark for change if we take victim-centeredness seriously.

RECOMMENDATIONS

Building on these lessons, the report calls for the adoption of a meaningful approach to victim participation in transitional justice processes. The two cases of Guatemala and Uganda provide valuable ideas on the scope and components of such meaningful victim participation approach. They include, among others:

- Ensuring that transitional justice processes reflect victims' needs in a long-term and sustainable fashion.
- Taking an integrated and holistic approach to justice, which responds to victims' activism and visions for justice. Such an approach must also seek to change the culture in the State institutions responsible for addressing the claims of victims, which would increase the potential to deliver concrete, transformative outcomes for victims.
- Connecting victim participation to broader societal transformation processes that tackle the root causes of the conflict, namely persistent structures of impunity, inequality, and violence.

RECOMMENDATION FOR POLICY-MAKERS AND DONORS TO MAKE MEANINGFUL PARTICIPATION A REALITY:

- Adopt and promote an integrated approach to justice in order to adequately meet victims' broad justice claims and to enable meaningful victim participation. This approach should incorporate multiple channels of active participation, which might take place in State-sanctioned transitional justice mechanisms, traditional justice systems, international justice, civil society initiatives, and participation through social mobilisations and activism.
- Take victims' needs as the main guiding factor in developing and operationalising transitional justice processes. Justice initiatives, such as accountability and reparation processes, should be determined based on the specific needs of the victims and consider the root causes of violence in the context in which they are implemented.
- Take a horizontal approach to the inclusion of victims' voices in transitional justice processes and ensure that the efforts of victims, local civil society organisations, and international allies are coordinated and complement one another.
- Support victims' activism and political organising as it can play a fundamental role in shaping transitional justice processes that more adequately respond to victims' needs and contribute to transformative change. Such activism should be supported from the early stages, even if State-sanctioned transitional justice mechanisms are yet to be adopted. This support should be sustainable and resilient to political changes on the ground taking into account the long-term and changing needs of victims.

- Support research looking into the factors that promote strong political victim activism and those that stand in the way of the emergence of such activism. This will provide insights on the most effective ways to support movement building, as well as on modalities currently employed that negatively impact such activism.
- Support women, and specifically indigenous women, to increase their ability to engage in activism and justice efforts more broadly. This can ensure that their specific justice claims are addressed in transitional justice processes. Intersectional approaches should be taken into account in order to tackle context specific challenges of marginalisation, exclusion and vulnerabilities. In this regard, it is essential that support to victims' movements also seek to contribute to challenging gender hierarchies and discrimination within these movements, to ensure that obstacles to their participation are tackled and strong inclusive movements are promoted.
- Redouble efforts to actively work with State authorities to ensure that they genuinely engage with victims, are receptive to their needs and justice claims, and take effective action to reform State institutions. These efforts should include diplomacy initiatives to strengthen political will to engage with victims and promote measures to fight impunity, as well as financial support to increase the technical capacity of the State to accommodate victim participation and ensure respect for the rights of victims. Efforts need to be made both in bilateral engagements as well as in multilateral fora, both at the regional and international level. Support and assistance to transitional justice initiatives should be conditional on ensuring meaningful victim participation at the design, implementation and monitoring phases.
- Increase efforts to provide an environment that is conducive to meaningful victim participation and prevent pushback from State authorities against victims and civil society, such as reprisals.
- Conceive of transitional justice as a long-term process that requires long-term investment, solidarity, and accompaniment in order to achieve transformative change and be sustainable.
- While conducting evaluations of transitional justice processes, take into account meaningful victim participation that supports victims' needs and contributes to change as part. Develop evaluation frameworks in a context-specific manner and in close cooperation with victims.

Read the full report [here](#).

Photo credits: Elizabeth Adongo, a sexual violence survivor from Uganda, formed a survivors' support group and, against cultural dictates, dug graves in the Obalanga massacre sites, in search for justice (ESA/REDRESS). Maya Achii women survivors of sexual violence from Guatemala who are among the 36 claimants in an ongoing criminal proceeding (Cristina Chiquin/Impunity Watch).