UN Women's and the United Nations Development Programme's inputs for the Office of the High Commissioner for Human Rights's 2025 report on "Human Rights and Transitional Justice"

UN Women and the United Nations Development Programme (UNDP) are pleased to jointly respond to the request by the Office of the High Commissioner for Human Rights (OHCHR), as part of the Gender Justice Platform parntership, to inform its upcoming report on Human Rights and Transitional Justice to be presented to the Human Rights Council at its fifty-eight session in 2025.

This submission aims to show that transitional justice processes must be gender-responsive to contribute to sustainable development, and particularly to Sustainable Development Goal 16 on peace, justice, and strong institutions, and to share examples of innovative initiatives in this area, including through our joint programme, the Gender Justice Platform.

Gender-responsive[1] transitional justice contributes to sustainable development

As recognized in the 2030 Agenda, gender equality (SDG 5) is not only a fundamental human right but also a driver and an outcome of building just, peaceful, and inclusive societies (SDG 16) and promoting sustainable development. UNDP and UN Women actively contributed to the development of the updated Guidance Note on Transitional Justice, where it is spelled out that, to advance towards these goals, transitional justice processes must be gender-responsive in at least three ways: they must promote women's meaningful participation; address the specific violations experienced by women and girls, and examine the impact that sexual orientation, gender identity and expression had in the violations; and tackle gender inequality as one of the root causes of conflict and abuse.

This is aligned with the paradigm shift within the UN peace architecture, moving from a notion of *peace* as merely the absence of conflict to one that emphasizes creating *structural conditions* for people to enjoy their human rights. Prevention thus lies at the core of peace efforts, requiring action to address root causes like exclusion, discrimination, injustice, inequality, and structural violence (often affecting disproportionally women and girls), as well as to promote non-violent resolution methods.

Research shows that the prevalence of gender-based violence in a country is the best predictor of its propensity to violent conflicts.[2] The Global Study on the Implementation of Resolution 1325 (2015) and the World Bank and the United Nations's study "Pathways for Peace" (2018) show evidence that women's participation contributes to more robust democracies and longer-lasting peace, strengthens democratic governance and contributes to sustainable development.

[1] We use the term *gender-responsive* to evoke an active and action-oriented approach that goes beyond being sensitive to gender inequality and to the unique needs that people of different genders have. Gender-responsiveness implies taking action to address the gendered aspects of transitional justice, the violations it aims to tackle and the context in which they took place not as a goal *per se* but as a means to advance towards gender equality.

[2] Hudson, V. (2012). What Sex Means for World Peace. Foreign Policy. https://foreignpolicy.com/2012/04/24/what-sex-means-for-world-peace/; Hudson, V. M., Ballif-Spanvill, B., Caprioli, M., & Emmett, C. F. (2020). *The first political order: How sex shapes governance and national security worldwide*. Columbia University Press.

Despite the compelling potential benefits described above, gender-responsiveness and women's participation remain unprioritized in most transitional justice contexts. Roughly half of peace agreements contain a reference to some element of transitional justice, but only 3% include gender-specific transitional justice provisions.[3] Beyond transitional justice, only roughly 20% of peace agreements included *any* provisions addressing women, girls or gender by the end of 2018.[4] Additionally, according to an analysis carried out by the Transitional Justice Evaluation Tools, only 11.1% of transitional justice trials included charges for crimes of a sexual nature or crimes explicitly committed against victims based on their sex, sexual orientation, gender, or gender identity. [5]

UN Women and UNDP directly contributes by supporting States and communities in making transitional justice gender-responsive through the **Gender Justice Platform,** a joint programme that promotes women's rights, leadership, and participation—especially in fragile and conflict and post-conflict contexts—to build trust and resilient societies, improving access to justice for everyone and strengthening the rule of law.

Below, we present examples of initiatives that contribute a gender-responsive transitional justice in line with the Secretary-General' Guidance Note.

Inclusive Participation in Transitional Justice

UN Women and UNDP's 2022 publication on women's meaningful participation in transitional justice concluded that transitional justice processes should ensure the full, safe and meaningful participation of women from different backgrounds and people with diverse sexual orientation, gender identity and expression as equal rights holders, agents of change and leaders.[6] *Meaningful* participation means that everyone should have unimpeded opportunities to articulate and contribute their expertise and that their concerns are heard and taken onboard ultimately shaping transitional justice processes, mechanisms and outcomes.[7]

- In **South Sudan**, the Gender Justice Platform supported 32 civil society organizations under a women-led coalition to lobby for women's participation and position women's demands for the permanent constitution that will replace the current Transitional Constitution adopted in 2011.

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[3] Only 46 agreements (3%) out of 1520 peace agreements. Many of these provisions "refer to women as victims of conflict and widows, or provide for special protection for women within the mandate of established mechanisms. Several peace agreements move beyond treatment of women as victims and call for women's participation in the policy design or in the implementation of core transitional justice mechanisms." Astrid Jamar and Christine Bell, "Transitional Justice And Peace Negotiations With A Gender Lens," New York, NY: UN Women, 2018, p. 3 and p. 12.

[4] Only 19.7% of agreements between 1990 and the end of 2018, according to: United Nations Secretary-General, "Report of the Secretary-General on women and peace and security (S/2019/800)," New York, NY: United Nations, 9 Oct 2019, p. 6 (para. 15).

[5] 622 out of 5,619 national trials occurring in transitional contexts from 1970 through 2020. Gender and Transitional Justice: Explaining Global Trends, Kathryn Sikkink, Helen Clapp, Daniel Marin-Lopez, and Averell Schmidt

[6] United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), A window of opportunity: making transitional justice work for women, 2nd ed., October 2012; UN-Women and UNDP, Women's Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustainable Peace (New York, 2022); A/77/235.

[7] UN Women and UNDP, Women's Meaningful Participation in Transitional Justice, 2022.

The Platform also contributed to the development of the South Sudan Women's Charter,[8] which empowers women to articulate their concerns and priorities in the permanent constitution.

- UN Women's "Women Walking for Peace" initiative aims to amplify the voices of the *Abuelas de Sepur Zarco* and their advocacy for the effective implementation of transitional justice measures adopted in **Guatemala**, specifically the reparations that the Sepur Zarco community deserves. UN Women sponsored a mission for the *Abuelas* to participate in the 57th session of the Human Rights Council and other strategic meetings in Geneva, Barcelona and Madrid in 2024. As a result of this mission, the *Abuelas* not only increased the knowledge of the Sepur Zarco case among the HRC member states, but also obtained important pledges from donors and other stakeholders who committed to support them in their fight for the full and effective implementation of the judicial ruling on their case.

Documenting and addressing the specific violations experienced by women and girls, and others targeted because of their sexual orientation or gender identity

Transitional justice processes should sensitively and comprehensively address the specific human rights violations and grave crimes experienced by different people based on their sex, gender, sexual orientation, gender identity, gender expression or sex characteristics.

Given their specific societal, cultural, economic or family circumstances, women and girls are often targeted for or impacted differently by human rights violations. Likewise, LGBTQI+ persons can experience gender-based discrimination and violence rooted in a perception of non-compliance with socially accepted gender roles. Often, such human rights violations are compounded by intersecting forms of vulnerability and discrimination, including those based on age, ethnicity, religion, disability and migration or refugee status, among other factors.

- In **Ukraine**, the Gender Justice Platform together with the Association of Women Lawyers (JurFem) developed a training course through which 1,767 Ukrainian civil servants bolstered their capacity to identify, prevent and respond to conflict-related sexual violence according to international legal frameworks and standards. JurFem also provided direct legal assistance to conflict-affected people, including survivors of conflict-related sexual violence.
- In **Mozambique**, the Gender Justice Platform developed and implemented a strategic capacity-building programme for paralegals, community judges and members of the community police to strengthen their investigative skills regarding conflict-related sexual violence.
- UN Women's Deployment Programme provides **international accountability mechanisms** with gender experts, SGBV Investigators and specialized interpreters, among other niche expertise, with the aim of ensuring that their work is gender-responsive, survivor-centered and promotes accountability for SGBV and other gender-based violations. More than 120 deployments have been successfully completed since 2009.
- Partners in Justice International, with the support of UN Women, provides mentoring to local CSOs and national justice actors to strengthen capacities to fight impunity for atrocity crimes and advance gender-responsive justice for victims. Through this programme, which includes initiatives

[8] Ministry of Gender, Child & Social Welfare, South Sudan Women's Charter: A charter of women's demands in the permanent Constitution, South Sudan, 2024.

in **Kenya**, **Kosovo** and **Guatemala**, PJI has, for example, worked with local partners to develop strategies for witness protection, bolster access to reparations, and improve access to psychosocial support for survivors.

Addressing root causes of conflict, including gender-based discrimination

Finally, transitional justice processes should seek to understand and begin to address the gender aspects of the root causes of conflict and abuse, including by considering pre-existing patterns of gender-based stereotyping, discrimination and violence. In most cases, this may involve examining patriarchal and male-dominated power structures in the private and public spheres, as well as structural obstacles that prevent women and LGBTQ+ people from accessing justice. While transitional justice measures cannot achieve these profound transformations on their own, they can help catalyze them.

- In **Uganda**, the Gender Justice Platform supported the provision of free legal aid services, mediation and mentorship to over 1,500 women and girls and over 400 refugees. It also enhanced the capacity of transitional justice actors, legal aid providers and community-level mechanisms to deliver inclusive justice for women. A series of community dialogues and awareness-raising campaigns on gender equality were held in collaboration with local cultural leaders and civil society organizations.
- In **Guatemala**, the Gender Justice Platform is supporting partners, including indigenous women and survivors of sexual and gender-based violence, to restore the social fabric after the armed conflict. The interventions have included providing training on historical memory, community tourism, social entrepreneurship and leadership. In addition, the Platform coordinated with the Supreme Electoral Tribunal to implement a training curriculum on civic-political leadership skills for local youth, with a special focus on the participation of women and Indigenous Peoples. Finally, the Platform, together with the Judicial Branch and the Secretariat of Indigenous People, developed a strategic plan to support Mayan youth to access justice services effectively.

In conclusion, gender responsiveness is essential to ensuring that all people can fully access and benefit from the opportunities created by transitional justice processes. Through initiatives like those mentioned in this submission, we see that centering gender not only helps to respond to the needs of survivors and affected communities but also helps dismantle gender inequality, fostering long-term peace and promoting development.

Based on the experience of UN Women and UNDP in implementing transitional justice programming through a gender lens, several key lessons have emerged to enhance measures for sustaining peace and supporting sustainable development (SDG 16). First, improved measurement efforts are crucial to understanding the impact of TJ processes on peace, development, social cohesion, and individual dignity, which would facilitate effective scaling and knowledge-sharing. Second, there is a need to further support civil society organizations as key actors in transitional justice; for example, in Guatemala, UNDP and UN Women supported women's networks that empowered survivors and achieved a historic conviction of sexual slavery as a war crime in the Sepur Zarco case. Finally, gender-responsive TJ processes should be actively promoted to recognize women not only as victims but as peacebuilders, reinforcing the idea that gender-equitable TJ processes contribute to lasting peace and societal sustainability. Achieving this requires innovative approaches at both political and programmatic levels.