



Civil Society Dialogue Network Policy Meeting

EU support to Transitional Justice: A Review three years after the adoption of the policy framework

Monday 3 December 2018

NH Berlaymont Hotel, Boulevard Charlemagne/Karel de Grotelaan 11-19, Brussels

Concept Note and Agenda

Background:

On 16 November 2015, the EU's Foreign Affairs Council (FAC) adopted an [EU policy framework on support to transitional justice](#) (TJ) and recognised that:

‘Transitional justice is an integral and important part of state and peace building and therefore must be integrated in the wider crisis response, conflict prevention, post-conflict recovery, security and development efforts of the EU.’¹

TJ is a dedicated component of the wider EU Integrated Approach to External Conflict and Crises.² The EU's support to TJ aims to achieve the following objectives: fighting impunity; providing recognition and redress to victims; fostering trust; strengthening the rule of law and contributing to reconciliation and non-recurrence.

According to the [EU Annual Report on Human Rights and Democracy in the World 2017](#):

‘Transitional justice has continuously featured as a topic in human rights dialogues with partner countries, in reporting on the implementation of Human Rights and Democracy Country Strategies (HRDCS), in training and awareness raising and in EU financial support to international and state actors as well as civil society (...).’³

In addition, the EU remains a staunch supporter of the Rome Statute and the International Criminal Court (ICC). It has been actively supporting the mandate of the United Nations (UN) Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence since the position was created in 2011. The EU has also been instrumental on the multilateral front in supporting several fact-finding missions and commissions of inquiry to deal with country-specific situations.

However, many internal and external challenges remain in the implementation of the policy framework. Its third anniversary provides an opportunity to take stock and discuss future EU support to TJ, including in view of the next Multiannual Financial Framework for 2021-2027.

Objectives:

The overall aim of this meeting is to gather analysis and recommendations from civil society experts on future EU support to TJ. The specific objectives are:

- To reflect on the first three years of implementation of the EU's policy framework on TJ and identify lessons learned;
- To gather analysis of and recommendations for EU support to victim-centred approaches;

¹ EU Foreign Affairs Council (FAC), [Council Conclusions on EU's support to transitional justice](#), 16 November 2015.

² EU FAC, [Council Conclusions on the Integrated Approach to External Conflicts and Crises](#), 22 January 2018

³ EU FAC, [EU Annual Report on Human Rights and Democracy in the World 2017](#), 28 May 2018

- To gather analysis of and recommendations for EU support to accountability mechanisms in challenging contexts.

In all sessions, gender inclusion as well as the inclusion of non-elite groups in TJ processes will be discussed.

Participants

The meeting will bring together around 40 participants: EU officials, civil society experts, including academics, representatives of the Member States who are part of the taskforce on TJ within the Council Working Party on Human Rights (COHOM), as well as the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

Format

The meeting will take the form of a day-long roundtable meeting with facilitated interactive sessions in which all participants will be encouraged to provide their analysis and recommendations. At the discretion of the facilitator, participants may be split into small groups at any time during the day. The discussions will take place under the Chatham House Rule.

Draft Agenda

8:45-9:00	Registration and coffee
9:00-9:15	<p>Welcome and objectives of the meeting</p> <ul style="list-style-type: none"> • Luisa Ragher, Head of Division for Human Rights, European External Action Service (EEAS) • Marc Fiedrich, Head of Unit for the Instrument contributing to Stability and Peace (IcSP), European Commission • Sonya Reines-Djivanides, Executive Director of the European Peacebuilding Liaison Office (EPLO)
9:15-11:00	<p>Session 1 – Taking stock of EU support to TJ</p> <p>Keynote speech:</p> <ul style="list-style-type: none"> • Fabian Salvioli, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence <p>Followed by an interactive discussion in which all participants will be invited to provide their assessment and analysis of EU support to TJ, in particular in the past three years.</p> <p>The discussions in this session could be guided by the following questions:</p> <ul style="list-style-type: none"> - What have been the main achievements and challenges to date in the implementation of the policy framework? - How to ensure policy coherence within EU external action and between internal and external policies? - To what extent has TJ been part of the EU Integrated Approach to Conflicts and Crises in practice? And how have the European Commission and EEAS efforts to support TJ differed or complemented each other? - What are the main trends in the field of TJ in the last years and has the EU properly accounted for such developments in its own interventions? - Is the policy framework still fit for purpose? <p>Facilitated by Laura Davis, EPLO</p>

11:00-11:30	Coffee break
11:30-12:45	<p>Session 2 – Dealing with victims as part of an inclusive approach</p> <p>‘Encouraging a victim-centred approach’ is one of the guiding principles of the policy framework and ‘requires the early involvement and active participation of victims and affected communities, including diverse ethnic, racial, religious and other groups or minorities.’⁴ This raises several challenges: from the blurred lines between victims and perpetrators to dealing with the heterogeneity and possible conflicting views of victims, the social stigmas and/or dire humanitarian needs that can impede their full participation, as well as the interplay with the rest of the population.</p> <p>The discussions in this session could be guided by the following questions:</p> <ul style="list-style-type: none"> - To what extent have the needs of victims been served by transitional justice processes and mechanisms that have been set up? - How could the EU support more inclusive and effective consultation processes? - How could the EU better support the participation of (non-elite) women and sexual/gender minorities? - What type of EU supported reparations programmes have worked well? And which ones have worked less well? What lessons has the EU learnt from its support to reparations programmes? <p>Lessons learned from EU contributions to TJ processes in country specific situations are encouraged to feed into the debate.</p> <p>Facilitated by Laura Davis, EPLO; Karol Balfe, Christian Aid; and Mark Freeman, Institute for Integrated Transitions.</p>
12:45-13:45	Lunch break
13:45-15:00	<p>Session 3 – Building the conditions for accountability in challenging contexts</p> <p>The fight against impunity has been a longstanding priority for the EU as has the strong engagement in UN multilateral fora and their ability to address country specific situations. Confronted with several ongoing conflicts, the EU has taken the lead or been actively supporting new multilateral mechanisms to address accountability in difficult contexts⁵. At the same time, the notion of accountability goes beyond criminal justice and a range of other options, mechanisms and processes, can contribute to fighting impunity.</p> <p>The discussions in this session could be guided by the following questions:</p> <ul style="list-style-type: none"> - How effective have the mechanisms set up in multilateral fora with EU support been to date? What was the added value of the EU contribution, if any? - Is the setting up of country-specific mechanisms an overall positive trend or an indication of the difficulty to address impunity? - What is the interplay between EU support to mechanisms set up in multilateral fora and its support to national structures, reform processes, community-based accountability mechanisms and symbolic measures? - Has there been sufficient balance between pursuing criminal justice and other mechanisms? Where does the EU’s added value lie?

⁴ EU FAC, [Council Conclusions on EU’s support to transitional justice](#), *ibid*.

⁵ For instance: the International, Impartial and Independent Mechanism on Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic, the Commission of Inquiry on Burundi, the Independent international fact-finding mission on Myanmar, the Group of Eminent International and Regional Experts on Yemen, the team of international experts on the situation in Kasaï, the Commission on Human Rights in South Sudan, etc.

	Facilitated by Laura Davis, EPLO; Santa Falasca, International Center for Transitional Justice; and Anna Penfrat, EPLO.
15:00-15:30	Coffee break
15:30-16:45	<p>Session 4 – Recommendations for the way forward in EU support to TJ</p> <p>This final session will look at EU internal tools and processes (including financial and human resources) and how they can help address TJ holistically in the future.</p> <p>The discussions in this session could be guided by the following questions:</p> <ul style="list-style-type: none"> - How can a stronger partnership between the EU and civil society be developed to promote TJ? - What room is there for innovative approaches to TJ in cases where there is very little appetite from state authorities for TJ processes? How could the EU support such non-state initiatives? - How can the EU instruments / programme areas address TJ holistically – including in Security Sector Reform (SSR), Disarmament, Demobilisation and Reintegration (DDR) or peace negotiation processes? And how can this be ensured in the next MFF? - What role for the different EU tools in addressing TJ holistically (e.g. EU delegations, EU Special Representatives (EUSRs) or Common Security and Defence Policy (CSDP) missions and operations where relevant? - How can the EU enhance gender inclusion in its contribution to TJ? - How can the monitoring and evaluation of EU support to TJ be improved? <p>Facilitated by Laura Davis, EPLO.</p>
16:45-17:00	<p>Closing remarks</p> <ul style="list-style-type: none"> • Stijn Houben, European External Action Service (EEAS) • Ciara O'Brien, Chair of Council Working Party of Human Rights and Democracy – COHOM • Laura Davis, European Peacebuilding Liaison Office (EPLO)
17:00	End of meeting

The Civil Society Dialogue Network

The Civil Society Dialogue Network (CSDN) is a mechanism for dialogue between civil society and EU policy-makers on issues related to peace and conflict. It is co-financed by the European Union (Instrument contributing to Stability and Peace). It is managed by the European Peacebuilding Liaison Office (EPLO), a civil society network, in co-operation with the European Commission (EC) and the European External Action Service (EEAS). The third phase of the CSDN will last from 2017 to 2020. For more information, please visit the [EPLO website](#).