

# TOWARDS A GENDERED TRANSITIONAL JUSTICE POLICY AND IMPLEMENTATION PROCESSES IN ETHIOPIA



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## 1. Introduction and Rationale

Incorporating a gender perspective in transitional justice (TJ) is fundamentally about ensuring basic fairness and respect for human rights. It requires that any transitional justice system deliberately employs a gender lens in its analyses and processes, as well as ensures equal access and participation by women in shaping and executing policies. This approach is not only efficient and cost-effective but it is also essential because women are disproportionately affected by conflicts and injustices. Excluding women from a transitional justice process would hinder its success, as it would likely fail to adequately respond to the needs of all victims or to contribute to broader societal transformation, thus perpetuating cycles of violence. A gendered approach to transitional justice calls for sensitivity to this reality and the adoption of tailored methods, recognizing the unequal distribution of power and rights between men and women in society. This imperative demands that special attention be given, at every stage of policy development and implementation in Ethiopia, to including the voices, needs, desires, and rights of those traditionally marginalized, thus promoting true justice.

Incorporating a gender perspective into transitional justice, often referred to as ‘gendering’ TJ, entails several distinct approaches. These include avoiding the exclusion or marginalization of women in the national transitional justice framework, to allow them to contribute to the formal reconciliation and reconstruction processes. Another approach focuses on reparations, considering the specific forms of victimization women have endured and addressing their unique needs for redress. This approach seeks to address and rectify gender-related injustices within the context of transitional justice. Incorporating a gendered perspective into transitional justice is vital for fairness and respect for human rights, as it ensures women’s equal participation in policy development and implementation, acknowledging their disproportionate vulnerability and the disproportionate hardships and violations they face during conflicts. This gendered approach is most effective in sustaining peace and preventing recurring cycles of violence. It demands sensitivity to power imbalances and tailoring of methods to include marginalized voices and their needs. These gender-inclusive efforts would rectify women’s exclusion from national transitional justice processes in Ethiopia and would address women-specific victimization through reparations.

## 2. Approach and Objectives of the Policy Brief

In Ethiopia, various studies indicate that deep seated discriminatory practices and attitudes toward women stand as the main hurdle to women’s civic participation, and therefore promotion of their rights. A study as recent as 2021, shows that male political leaders in Ethiopia hold negative attitudes about women’s participation and effectiveness in political leadership, while female political leaders in legislative and executive positions exhibit more positive attitudes about women’s involvement in government and political leadership.<sup>1</sup> These attitudes stem from a patriarchal culture and socialization that favor men’s dominance in various productive roles, particularly in politics and societal leadership. Ethiopian popular culture further reinforces traditional gender roles, portraying women primarily as homemakers rather than effective community or political representatives. This gender bias is rooted in the community’s belief that men are the primary decision-makers.<sup>2</sup> Consequently, women are often seen as dependent and subservient, leading to their limited political participation and influence. Despite some recent improvements, women in Ethiopia continue to face disadvantages and marginalization within the economic, social, and political spheres of society.

1 <https://www.tandfonline.com/doi/epdf/10.1080/23311886.2021.1948653?needAccess=true&role=button>

2 <https://www.fssethiopia.org/wp-content/uploads/2011/11/FSS-Monograph-No-5.pdf>

Ethiopia launched key reform processes in 2018, including processes that call for national dialogue, reconciliation and sustainable peace. In this same time period, the country also witnessed its worst civil war and multiple localized and cross-regional conflicts and skirmish. In November 2022, with the Pretoria Cessation of Hostilities Agreement on the civil war between the Federal Government and the Tigray People's Liberation Front,(TPLF), which makes specific reference to a transitional justice process, the Federal Government launched a process toward development of a comprehensive transitional justice policy, drawing on lessons learned at national and international levels. Accordingly, the Ministry of Justice tabled 'Ethiopia Policy Options for Transitional Justice: Draft for Stakeholder Consultations January 2023', commonly known as "the Green Paper". This unprecedented approach of policy development has presented an historic opportunity, offering the chance for victims and CSOs to express their views on justice priorities, and ushering an opportunity to shape the final TJ policy and lay the foundation for a participatory process and sustainable outcome. The Green Paper addresses numerous issues, providing options and elaborate explanations of advantages and disadvantages. However, preliminary analyses show that arguments for and against the policy have not employed a gender lens. A close interrogation indicates that there is a crucial need to revisit the TJ policy's gender approach, which is currently lacking detailed elaboration.

In this setting, the International Council of Transitional Justice (ICTJ) and the Consortium of Ethiopian Human Rights Organizations (CEHRO), through their European Union-funded project "Strengthening Civil Societies' Capacities to Contribute to the Transitional Justice Process in Ethiopian", have collaborated with two key national women's rights organizations, namely the Consortium of Self-Help Group Approach Promoters (CoSAP)<sup>3</sup>, and the Network of Ethiopian Women's Associations (NEWA)<sup>4</sup>. NEWA organized series of training and various seeking to create a stronger advocacy voice for women's advancement, to ensure that women across the political and regional spectrum provide constructive input towards a gender-sensitive transitional justice policy in Ethiopia.

## 2.1. Approach: Two layered Capacity Building, Consultations,

This policy brief relies on a critical appraisal and recommendations for gendered transitional justice in Ethiopia. It recognizes the inter-connectedness of transitional justice mechanisms, emphasizing that they should not be viewed in isolation. It underscores the importance of a holistic approach to transitional justice, where each mechanism informs and complements the others, culminating in a comprehensive and effective process of addressing past injustices. Accordingly, this policy brief was developed through a two-layered process, in a participatory and inclusive manner, with representatives from all regions of Ethiopia, including both grassroots and elite-level processes.

CoSAP's activity engaged over 150 grassroots women from the Oromia and Somali regions, in a series of community consultations. The consultations served to raise awareness and to facilitate articulation of grassroots women's grievances, demands and interests regarding past and present human rights violations and abuses. The participating women also recommended their preferred channel for engagement in transitional justice -- access by poor women to Ethiopia's formal TJ process.

Building on those inputs, NEWA, in collaboration and with the technical support of ICTJ, conducted intensive technical training on concepts of TJ, particularly gender sensitive mechanisms, hosted consultation sessions, and conducted a two-day policy brief writing workshop. Participants included women's associations from all regions of Ethiopia, grassroots women representatives, and gender experts.

<sup>3</sup> <https://shgconsortiumeth.org/>

<sup>4</sup> <https://newaethiopia.org/>

## 2.2. Objectives of the policy brief

This policy brief is inspired by the wide space for input provided by the TJ Working Group (TJWG) of the Ministry of Justice, when it tabled the Green Paper for Stakeholder Consultations. It also builds upon the TJWG's high-level women's only national platform to discuss policy options, convened in collaboration with UNWomen. Both ICTJ and NEWA took part in the national platform, and ICTJ presented an overview of gender considerations in transitional justice.

This policy brief is a critical analysis of the TJWG's Green Paper, using a gender lens and proposing constructive alternatives in a gender-sensitive manner. It sets forth the need for a well-elaborated gender-sensitive policy framework that can adapt to the specific socio-cultural, political, and historical diversity of Ethiopia, while addressing the unique challenges faced by its women. It proposes a comprehensive and 'gendered' approach with the aim to convince policymakers at all levels, the Ministry of Justice Transitional Justice Working Group (TJWG), and the public at large of the urgency of including the voices and experiences of women and the necessity of adopting an improved policy that mainstreams gender in clear and sustainable ways.

Beyond influencing the Green Paper and policymakers, this policy brief intends to inform advocacy and public consultations, by shedding light on strategies that are common to effective and sustainable gender-sensitive transitional justice processes and their implementation.

## 3. Incorporating Gender Sensitive Principles and Language in the Transitional Justice Process of Ethiopia: A General Overview

A robust gender-inclusive transitional justice policy should encompass a broad scope, addressing a wide range of violations experienced by women and marginalized groups, while recognizing them as special focus groups. It should be inclusive and accessible, considering factors in addition to gender, such as age, class, ethnicity, disability, and socio-economic status. It should also be flexible and adaptable - open to creative approaches to address unique needs. These approaches should be built into the policy, with mechanisms for monitoring implementation, learning, and evolving as necessary. Furthermore, the policy should establish a principle that ushers active participation of Ethiopian women at all levels, mitigating the historical exclusion of women in policy development by focusing on their unique experiences, needs, and capacities. This approach should not be limited to gender quotas but should create an enabling environment for women's participation through capacity building, special training, and expert placement/staffing to ensure effective representation of women.

Ethiopia's TJ policy needs to acknowledge, and to indicate in unequivocal language, that the consequences of conflict, war, and human rights violations are different for women. It needs to ensure that those differences are documented and addressed in the national TJ process. The principles and language of the African Union's Transitional Justice Policy (AUTJP)<sup>5</sup> are comprehensive and all-encompassing in-terms of incorporating gender considerations. The Ethiopian Transitional Justice Policy would be strongest by adopting similar principles and language as the AU's continental policy.

The AUTJP also provides an exhaustive framing that places the status of women and girls, as well as gender issues, as cross-cutting issues of TJ in Africa<sup>6</sup>, which the Ethiopian Transitional Justice Policy would be strengthened by adopting.

Besides the AUTJP, Ethiopia has ratified and adopted key international policy frameworks and legal

5 [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf) p. 7., 2019

6 [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf) p.21, 2019

conventions that also encapsulate the principles of gender equality and call for a gendered approach to TJ. Policymakers, as national human rights duty bearers, are obligated by the national constitution to respect and adhere to those conventions and treaties<sup>7</sup>. The following key instruments should be used as reference and guiding sources:

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Ethiopia ratified in 1981.
- The Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa (2003): Ethiopia ratified in 2018.
- UN Security Council Resolution (UNSCR) 1325/2000 and its following resolutions, under the umbrella of the Women, Peace and Security (WPS) Agenda, which Ethiopia accepted upon its adoption.<sup>8</sup> The WPS Agenda is helpful to reference as it recognizes the impact of armed conflict on women and calls on the full participation of women in peace building and all efforts to promote peace and security.

#### **4. Incorporating Gender Considerations: Truth Seeking**

Victims' requirements from truth-seeking processes include identifying the party responsible for human rights violations or war crimes, determining the extent of the damage caused, asserting the truth, and achieving justice. This involves an acknowledgment of wrongdoing by the violators, the need for victims to be heard and recognized, and acceptance by their families and society.

As indicated above, using the general principles of a gender-sensitive TJ policy and process, truth seeking mechanisms should also take into consideration the specific nature and impact of violations as experienced by women and girls, particularly in cases of gender-based violence (GBV) and conflict-related sexual violence (CRSV). Systems should be put in place with active involvement of victims, especially women, and victims of GBV and CRSV. The policy should indicate in clear language that the truth seeking process would seek specificity about the violations that occurred against women, and that the process would be designed with meaningful participation of women.

Given the barriers that often exist for women's participation in public life in Ethiopia, particular attention needs to be paid to ensuring that female victims are consulted throughout the various stages of the TJ process. This entails creating an enabling environment for consultations with women, such as actively engaging women's rights organizations, associations and CSOs, and raising awareness among women about the truth-seeking process through various mediums, particularly utilizing grassroots associations. Other required measures include ensuring confidentiality and obtaining consent before using victims' statements. Providing safe spaces for women to participate in the process of truth seeking is also a key aspect that needs to be tailored to fit the special vulnerabilities of women. Providing safe spaces for women victims may include establishing call-in centers, complaint mechanisms, peer support systems for experience sharing, safe houses, and psycho-social support services.

*Feedback on Alternative Truth-Seeking Processes* The Green Paper specifies that a victim-centered approach will guide the TJ truth-seeking process. Even though victim-centeredness is acknowledged as key to ensure inclusivity and participatory processes; it is also critical that the final policy clearly identifies gender-sensitive mechanisms as key aspects in its approaches of truth seeking.

In terms of truth-seeking processes, the Green Paper proposes two options: either expanding mandates of existing institutions, namely the National Dialogue Commission and the Ethiopian Human Rights Commission, or the establishment of a new truth seeking commission.

<sup>7</sup> Constitution of the Federal Democratic Republic of Ethiopia, Article 9(4)

<sup>8</sup> Currently, Ethiopia is developing its first National Action Plan for the WPS Agenda.

The establishment of a new standalone Truth Commission is the preferred option recommended by the women consulted formally by ICTJ and NEWA, to ensure the centrality of a gender-sensitive approach, and to ensure at least a minimum of 30% participation by women<sup>9</sup>, as well as to mainstream gender in all processes and decision making. The Ethiopian Human Rights Commission should, however, be integrated in the process as a monitoring body through an extension of its existing mandate.

## 5. Incorporating Gender Considerations: Reparations

Reparations are meant to acknowledge and repair the consequences of human rights violations and inequality in countries such as those emerging from armed conflict or political violence.<sup>10</sup> The Green Paper reads:

“... main objective of this mechanism is to support the healing process and reform the behavior of victims and offenders...”<sup>11</sup>

All victims of human rights violations have a right to remedy and a right to justice. Different victims have different needs, and those needs can change over time. The type of reparation required can also vary according to the victim’s economic class, gender, age, and social identity. Women, for example, experience violations in significantly different ways than men, and their experiences of violations are not limited to sexual or gender-based violence and its consequences.<sup>12</sup>

An essential part of creating a transparent, flexible, and victim-centered TJ process is consulting victims about the design and implementation of any reparations, to ensure that their issues and needs are addressed. As mentioned above the critical mass standard of 30% should also be observed in decision making posts in a reparation system.

*Feedback on Policy Alternatives on Reparations* It is important to remember that compensation, or the payment of money, is only one of many different types of material reparations. Other types include the restitution of civil and political rights, physical rehabilitation, and granting access to land, housing, health care, or education. Reparations can be implemented through administrative programs (administrative reparations) or enforced as the result of litigation (court-ordered reparations)<sup>13</sup>.

The Green Paper discusses two potential models/types of reparation systems for Ethiopia. In the administrative model “...reparation commissions are mandated to lead and coordinate the process, identify the beneficiaries, establish the means of compensation, recommend redress methods...”<sup>14</sup> The second potential model is an individual reparation process, through joining compensation and criminal proceedings and entertaining communal compensation issues through the National Dialogue Commission or the Ethiopian Human Rights Commission.<sup>15</sup>

In the Ethiopian case, where gender equality and access to resources and formal processes are highly skewed against women<sup>16</sup>, the second option of court ordered individual compensation would not meet the needs of women due to the poor accessibility of formal courts for Ethiopian women. This is particularly true in the case of poor and marginalized women, who do not have access to or control over resources, or who face discriminatory practices and may not

9 <https://doi.org/10.1017/S1743923X0624114X>. “The Story of the Theory of Critical Mass”. Research has shown that it takes a certain minimum representation, such as 30%, before women are able to make a substantial difference in politics.

10 <https://www.ictj.org/reparations>

11 Green Paper p 21.

12 <https://www.ictj.org/reparations>

13 <https://www.ictj.org/reparations#:~:text=It%20is%20important%20to%20remember,%2C%20health%20care%2C%20or%20education.>

14 Green Paper p 23, Under Option 1

15 Ibid Option 2.

16 <https://www.un.org/womenwatch/daw/country/national/ethiopia.htm>



have access to court processes<sup>17</sup>. Of the two options presented in the Green Paper, we believe that administrative reparations that are administered by a new truth seeking commission/entity, with a specific division for repatriation programs and fund management, would provide greater access. The new entity's work should also recognize the unique ways women and girls are affected by conflict.

Experiences indicate that among the various forms of reparations, reinstatement, rehabilitation and communal compensation are more gender friendly. They are better able to address the root causes of systemic and structural violence against women.<sup>18</sup>

Ethiopia's Green Paper, however, duly notes that resource constraints are barriers to implementing administrative reparations and gender-friendly reparation forms. Given the victim-centered approach that the policy endorses from the outset<sup>19</sup>, and the transformative impact of such approaches in transitional justice, the Government of Ethiopia is urged to show high political willingness, while international partners and stakeholders provide the necessary financial and technical resources.

## 6. Incorporating Gender Considerations: Criminal Accountability

Criminal prosecution for crimes of sexual and gender-based violence (SGBV) require a comprehensive legal framework, which promotes and enforces Ethiopia's domestic laws as well as the international laws and treaties to which Ethiopia has agreed. The absence of adequate domestic procedural, substantive or evidentiary laws, however, should not pose barriers to delivering justice for the survivors and victims of SGBV. In other words, existing criminal law should not limit the scope of what Ethiopia's truth-seeking, and criminal accountability process addresses.

In such cases where domestic criminal substantive laws fall short of covering crimes committed against women, International laws and treaties should be invoked.

Based on the consultations held by ICTJ and NEWA, we recommend that the appropriate ministries and agencies of government review and revise existing criminal justice procedures toward that end.

In addition, to be effective at delivering justice to the survivors and victims of Ethiopia's recent conflicts, the national TJ policy should avoid equating women's experiences of war and conflict solely with sexual violence, and it should avoid reducing sexual violence to the crime of rape. Instead, it should address the different forms of physical and social violence that women, as well as men, experienced during recent conflicts. The TJ policy should encompass gender-based violations broadly, including its various forms and complexities. Similar policies in several other countries use this broad approach, but also include specific information on the types of violations that were prevalent during war and conflict.

Recent war and conflict in Ethiopia saw several types of physical and social violence, which may not be adequately covered by existing domestic criminal law. For example, those types of violation included insertion of dangerous objects into women's bodily organs and the commission of rape or other forms of sexual harassment in the presence of victims' family members. Those horrendous types of violation only exacerbated the violence suffered by survivors. The deliberate targeting of women's reproductive organs was intended not only to strip women of their dignity, but also to diminish their potential to reproduce, thereby limiting population growth among targeted ethnic groups. In another type of violation, as experienced in Gambella, women were targeted and killed intentionally to es-

<sup>17</sup> Final project report "Engaging grassroots-women in the Transitional Justice process of Ethiopia". Implemented by CoSAP, 2023. (unpublished).

<sup>18</sup> <https://www.ictj.org/reparations>

<sup>19</sup> Green Paper p.7

calate conflict and undermine an entire tribe. In Benishangul, young girls were violated through a practice of exchanging them between tribes to establish peace, leading to enslavement and denial of their liberty and dignity.<sup>20</sup>

The policy should take into consideration the revision of criminal law or have a GBV act that prevent and respond to GBV including sexual violence occurring during conflict or war.

#### **It should propose to include:**

- Explicitly address gender-based violence including violence including physical, sexual and psychological violence perpetuated during armed conflict and war.
- When we said physical, such as hitting, bodily injuries etc and psychological/emotional violence such as insult, belittling etc. that used by the armed force.
- Consider the crimes of GBV that is perpetuated during conflict/war as an aggravating circumstance and punishment should be sever.
- Review rules of evidence and their implementation and adopt measures with due regard to the fair trial rights of victims and defenders in criminal proceedings, to ensure that the evidentiary requirements are not overly restrictive, inflexible, or influenced by gender stereotypes’.

Recognizing the distinctive characteristics of conflict-related SGBV, and its related atrocities as seen recently in Ethiopia, we also recommend that the evidentiary burden of proof be reevaluated in SGBV cases handled by a new TJ mechanism. To adequately seek justice for survivors and victims, the burden of proof should not lay solely with the survivor, but also with the accuse, as it is Done in corruption cases.<sup>21</sup> Given the uniquely horrendous sexual atrocities committed during recent war and conflict in Ethiopia, we also believe it is essential that they be handled through a specialized TJ unit or specialized courts. Building trust is paramount in order to encourage survivors to seek justice through a new TJ mechanism/institution designed and structured to accommodate the unique needs of children and women. The gravity and complexity of the crimes, in addition to the existing workload of local courts and the ongoing complexities of the local political context, further underscore the necessity for such a specialized unit.

Recognizing that not all offenses can be prosecuted, and the need for prioritization in the pursuit of transitional justice, ICTJ, and NEWA also recommend a policy that ensures prosecution of all SGBV cases be prosecuted and in such cases all criminal perpetrators be charged.

In cases of mass and targeted property destruction, which impacts women deeply all cases should be prosecuted but with only targeted masterminds/planners be charged. Property damage however have to always be addressed through administrative reparation. prosecution of the lead organizers, planners, or promoters of property crimes.

Lastly, we recommend the national TJ policy establish a public sex offender list to identify offenders and for the protection of potential future victims.

## **7. Incorporating Gender Considerations: Institutional Reform**

In a transitional justice process, institutional reform seeks to affirm victims as citizens and rights holders and to build trust between citizens and their public institutions. When such reform is well

<sup>20</sup> Proceeding of “Gender Sensitive Transitional Justice in Ethiopia, October 23-24, 2023: Bishoftu, Oromia Ethiopia, 2023. ( Un-published).

<sup>21</sup> Proclamation no. 433/2005 the revised proclamation for the establishment of the federal ethics and anti-corruption commission



informed, and implemented in an inclusive and transparent fashion, it also proves to be reparative in nature.<sup>22</sup>

Under institutional reform, the Green Paper outlines a clear strategy for vetting personnel and institutional reforms.<sup>23</sup> This strategy should include language that emphasizes and recognizes that women have specialized needs and perspectives. Implementation of the policy must also ensure accessibility and safety for women, especially poor and marginalized women and girls, and victims of conflict related sexual violence (CRSV).

Institutional reform under the Ethiopian TJ policy needs to encompass both the removal of individuals who committed violations (transitional vetting) and, most importantly, recruiting individuals into institutions based on their knowledge and commitment to human rights, justice, and gender equality (structural vetting).

Transitional vetting is critical for a victim-centered transitional justice approach, creating a safe space particularly for women victims who have survived sexual violence.

*“ In Somali region the regional government at high political level is committed, and took concrete steps; however when I go to the policy station to give my testimony, the same police officer in **Jail Ogaden**<sup>24</sup> was sitting in the room. ”<sup>25</sup>*

Such cases are not uncommon in the Somali region, which is in the process of implementing a regional truth and reconciliation process through a newly established commission.<sup>26</sup> Women victims specifically pointed out that some notorious commanders who abused them are still in positions of authority at federal and regional level law enforcement units.<sup>27</sup>

Besides the very specific reference to vetting of personnel, there should be clear language indicating that any institutional reform initiatives should employ a gender lens, including meeting the minimum 30% quota standard for representation for women, affirmative action mechanisms for staffing, intensive capacity building in human rights protection and gender equality, public awareness raising programs, gender sensitive indicators embedded in monitoring and evaluation measurements, and a code of conduct combating gender bias.

<sup>22</sup> <https://www.ictj.org/institutionalreform#:~:text=As%20a%20transitional%20justice%20process,to%20be%20reparative%20in%20nature.>

<sup>23</sup> Green Paper p. 30

<sup>24</sup> The common name/popular nomenclature of the notorious prison in the Somali region.

<sup>25</sup> Report of meeting between victims and CSOs from Somali and Oromia regions and the TJWG , facilitated by ICTJ-CHERO Oct.9.2023. (Unpublished)

<sup>26</sup> Proclamation no:- 205/2021, a proclamation for the establishment of the commission of investigation of violence and reconciliation and reparation of victims in the Somali region

<sup>27</sup> Report of meeting between victims and CSOs from Somali and Oromia regions and the TJWG , facilitated by ICTJ-CHERO Oct.9.2023. (Unpublished)

## **Conclusion and Key Recommendations**

### **1. Principles and Language of the Policy**

For the development and implementation of an inclusive and gender-sensitive transitional justice policy in Ethiopia, it is imperative to recognize the distinct impact of conflict and violence on women. This includes addressing the specific vulnerabilities and violations women face, particularly in relation to conflict-related sexual violence. The approach should underscore flexibility and creativity, accommodating the diverse layers of women's identity, such as age, class, ethnicity, disability, and socio-economic status. Active participation of Ethiopian women at all levels is crucial to overcome historical exclusion, emphasizing capacity building and training rather than solely relying on quotas.

Due to gender inequalities, women are often poorly represented in national institutions and transitional justice measures. In alignment with the critical mass theory referenced above, Ethiopia's transitional justice policy should stipulate a minimum of 30% representation of women in all key decision-making processes and staffing across the entities involved in transitional justice.

This approach would not only ensure fair representation but would also foster the engagement of women victims. The TJ policy and frameworks should also encourage programs surpassing the 30% minimum quota, striving toward gender parity, ideally achieving a 50/50 balance .

The TJ policy should pursue the principles of inclusiveness, gender sensitivity, and the cross-cutting nature of gender, and such principles should be highlighted in clear language and in a consistent manner. It should also unequivocally recognize the unique ways in which women are affected differently and enable their meaningful participation.

The TJ Policy should make reference to the obligations set forth in the Ethiopian Constitution, as well as obligations of key international treaties and regional legal frameworks, particularly the African Union Transitional Justice Policy.

### **2. Truth Seeking**

The Green Paper suggests that new independent institutions should address the TJ Commission. It emphasizes the importance of a well-trained staff and specialized units. This policy brief recommends the adoption of a new, standalone Truth Commission because it would best ensure the centrality of a gender-sensitive approach.

For sustainability and capacity building, it is recommended that the TJ Commission establish a close working relationship with the Ethiopian Human Rights Commission. The EHRC can systematically absorb and integrate TJ monitoring and evaluation aspects into its ongoing mandate.

### **3. Reparations**

A transparent, flexible and victim-centered approach to TJ involves consulting victims during the design and implementation phases of the policy and its implementation mechanisms, to ensure that their concerns are effectively addressed. It is crucial to engage female victims consistently throughout the process, and to make a commitment to filling at least 30% of decision-making positions with women.

Among the options presented in the Green Paper, the option of administrative reparations is the most gender-sensitive and inclusive process, particularly for marginalized poor women, because it entails placing the responsibility for reparations under a new truth-seeking commission or entity, with a dedicated division for repatriation programs and the management of funds, rather than under less accessible national courts.

Implementing this model requires significant resources. For success, the government of Ethiopia must demonstrate the highest political will, while international partners and stakeholders must play a supportive role by providing the necessary financial and technical resources.

#### **4. Criminal Justice and Special Protection for Sexual and Gender-Based Violence Victims**

Criminal prosecution for crimes of sexual and gender-based violence (SGBV) require a comprehensive legal framework, which promotes and enforces Ethiopia's domestic laws as well as the international laws and treaties to which Ethiopia has agreed

CRSV and GBV in conflict setting should be treated in a specialized manner. The TJ policy should encompass gender-based violations broadly, including its various forms and complexities.

Given the deeper impact of mass property damage, we recommend that all cases of SGBV and property damages be prosecuted without any expectation. However, the perpetrators should include all perpetrators in cases of SGBV and only masterminds in cases mass property damages. In a related manner No amnesty should be granted to any SGBV perpetrators.

#### **5. Institutional Reform**

Any institutional reform should employ a gender lens, and a principle that captures the same should be included in the Ethiopian TJ policy.

Institutional reform under the Ethiopian TJ policy needs to encompass, both the removal of individuals who committed violations (transitional vetting) as well as recruiting individuals into institutions based on their knowledge and commitment to human rights, justice, gender equality, and related factors (structural vetting).

As part and parcel of the institutional reform, the TJ policy of Ethiopia should include a clear mandate and role for CSOs, particularly women's rights organizations, that are closely working with vulnerable and marginalized women.

#### **6. Trust building and creating an enabling environment**

The transitional justice policy requires clear policies to precede and support it. Accordingly, the government of Ethiopia should take bold measures and double its efforts in the overall mainstreaming of gender and women's human rights in other state structures and institutions. For example, expediting and finalizing new policy frameworks and programmatic action plans, such as the national women's policy, the national anti-GBV policy, and the ongoing National Action Plan for Women, Peace, and Security, are key in supporting a gender-sensitive transitional justice process in Ethiopia.

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