Most countries relapse into conflict within ten years of making peace. Building sustainable peace requires recognizing and reconciling the deep-rooted causes of conflict and its impacts. Transitional justice can contribute to sustained peace through a set of processes and mechanisms that facilitate accountability and reconciliation after conflict or political change.

Effectively addressing past wrongs to build sustainable peace means addressing the needs of all parties involved. Women and men experience conflict differently due to gender roles and social norms. To succeed, transitional justice processes need to account for these differences.

This study looks at how women shape transitional justice in Tunisia and Colombia – two very different contexts – and suggests why, and how, these cases provide valuable lessons for other nations undergoing political transition.

**Findings**

Both cases establish a high standard for women’s inclusion in transitional justice.

Tunisian and Colombian women participated in official capacities early in each process. Female officials and women’s civil society organizations (CSOs) advocated for and gained formal recognition of specific harms that women faced under dictatorship in Tunisia and during civil war in Colombia. As a result, the definition of victimhood in Tunisia was expanded to include socio-economic harms (such as being barred from educational and employment opportunities); in Colombia, amnesty for the crime of sexual violence – prevalent in the decades-long conflict – was explicitly barred in the final peace agreement. In both cases, women’s leadership spurred inclusive mechanisms that enabled female victims to participate more fully in the process, and in greater numbers.

Inclusive mechanisms can help to ensure lasting peace. The creation of specific structures, such as the Women’s Commission in Tunisia and the Gender Sub-Commission in Colombia, allowed more citizens to participate in the unfolding political transitions. This may both enable states to better address root causes of violence and confer legitimacy on their political agreements. In each case, women’s active and early participation as officials and in civil society helped make innovative and inclusive mechanisms possible.
**Tunisia**

Tunisia’s Jasmine Revolution (2011) sparked the Arab Spring and catalyzed the only promising – albeit difficult – transition from dictatorship to democracy in the MENA region. Critical to the viability of this young democracy will be its ongoing transitional justice process, the mandate of which includes addressing human rights violations that occurred between 1955-2010, as well as during the 2011 uprising that sparked the revolution. Women’s leadership contributed to a broader understanding of the suffering faced by Tunisians during the previous regimes, although it is too early to judge what the impacts and outcomes of the highly-politicized process will be.

Three key routes led to a more inclusive process:

- **Women’s leadership in official transitional justice mechanisms**, such as Tunisia’s truth commission (Instance vérité et dignité, IVD), helped integrate gender into the work of these mechanisms, and facilitated access for women in civil society and female victims to participate more fully in the process.
- **Women’s civil society organizations (CSOs) facilitated an open and accessible process**, which resulted in a fivefold increase between 2014 and 2016 in the number of women who submitted testimony about their experiences.
- **The stories of female victims – combined with the work of female officials and women’s CSOs – led to a broader understanding of what it means to be a victim of the previous regimes**, making Tunisia’s transitional justice process the first to formally recognize socio-economic harms as a violation.

State recognition of socio-economic violations not only formally acknowledges a diverse set of harms as potentially worthy of redress, but also broadens the narrative, so that women are not seen simply as victims of sexual violence. This recognition enables the Tunisian government to more fully address structural inequities, such as institutionalized economic disparities and political discrimination, that characterized the preceding dictatorships.

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**Colombia**

In 2016, the Havana peace process ended over fifty years of civil war between the Colombian government and the FARC, the country’s largest guerrilla group. The sustainability of this peace depends in part on an inclusive transitional justice process that fairly addresses the sources of decades of violence. Women laid the groundwork for inclusion in advance of the peace talks in Havana, yielding significant gains for women in the final accords.

There were three critical achievements:

- **Before the peace negotiations, ministries with transitional justice mandates**, such as the Victims Unit and the Ministry of Justice, began implementing gender policies, adapting the earlier work of Colombian women’s CSOs.
- **During the peace negotiations, new commissions and rules** – specifically, the innovative Gender Sub-Commission (GSC) and the de facto gender quota for the victims’ delegations – yielded concrete gains for women in the final accords. Women on the GSC had the authority to review draft protocols before finalization and helped create a shared objective – to analyze the accords through a gender lens – between the negotiating parties.
- **The negotiations resulted in the first peace agreement to explicitly prohibit amnesty for crimes of sexual violence during conflict**, setting a valuable precedent for future peace negotiations.

The case of Colombia sets a high benchmark for women’s participation and gender-responsive mechanisms. In addition to setting a precedent, the sexual violence provision reveals the potential to leverage international legal standards, such as those in the Rome Statute, to shape negotiated agreements. Finally, the Colombian case shows how the architecture of the peace process, and specifically the involvement of women and gender issues therein, can inform the transitional justice process that follows.
**Social Gains from Women’s Leadership**

**Women's Leadership**
- Women officials
- Women's CSOs

**Social Gain**
- Official recognition of crimes that uniquely or disproportionately affect women
- Inclusive mechanisms
- Increase citizen participation in political transition
- Better address root causes of violence
- Confer legitimacy on political agreements

**Remaining Challenges and Looking Ahead**

Significant challenges remain. The highly politicized nature of the Tunisian process is a serious impediment to its success. The use of sexual violence during the previous Tunisian regimes – the prevalence of which is being unearthed by the transitional justice process – remains largely unaddressed. Additional barriers will undoubtedly emerge as Tunisia’s truth commission sorts through the tens of thousands of testimonies it received and proceeds with reparations and prosecutions.

Colombia also faces several hurdles: the continued marginalization of Afro-Colombian and indigenous women; the potential for additional public backlash against an agreement that many feel offers inadequate punishment for the FARC (a sentiment that was partially responsible for the 2016 referendum results); and the challenge of implementing a comprehensive and far-reaching peace deal.

In sum, the cases of Tunisia and Colombia show how women’s strategies, the responsiveness and support of the authorities, and the associated achievements offer important lessons for building inclusive transitional justice around the world.

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This is the executive summary of a research report entitled *Inclusive Justice: How Women Shape Transitional Justice in Tunisia and Colombia*, published in 2017 by the Georgetown Institute for Women, Peace and Security. The full report can be viewed and downloaded in English from: https://giwps.georgetown.edu/ together with shortened versions in Arabic, French, and Spanish.