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TRANSFORMATIVE TRANSITIONAL JUSTICE BRIEF

## Meaningful victim participation

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### 1. Introduction

The meaningful participation of victims is fundamental to addressing the legacies of violence and repression. Global experience shows that when victims and survivors are recognised as central actors rather than passive subjects, transitional justice processes become more legitimate, more accountable, and more responsive to the needs of those most affected.

Despite growing awareness of its importance, a significant implementation gap persists. Victims often remain marginal to transitional justice processes, with their involvement limited to consultation roles. They are rarely empowered as decision-makers, and their participation frequently fails to translate into meaningful change. When victim participation becomes a procedural formality or a “box-ticking” exercise, transitional justice loses its transformative potential and risks reinforcing existing inequalities.

This brief outlines how victims can derive personal meaning and satisfaction from transitional justice processes, and how their engagement contributes to transformative change—and ultimately guarantees of non-recurrence. It concludes with practical recommendations for policymakers and practitioners on how to enable continuous and meaningful victim participation.

### 2. Pathways to agency and impact

Meaningful participation begins with recognising that victims must be able to articulate their diverse justice needs. Justice is deeply personal, and neither states nor international bodies should unilaterally define how truth, accountability, and reparation will be pursued. Victim agency ensures that transitional justice responds to the lived realities of those most affected. In Syria, for example, victim-led movements successfully advocated for the creation of the UN Independent Institution on

Missing Persons in the Syrian Arab Republic. Their mobilisation was driven by their own understanding of justice: uncovering the fate of missing persons and supporting their families rather than pursuing criminal accountability. This illustrates how victim-defined priorities can shape institutions that directly address their needs.

Victim engagement often takes informal modes that complement or substitute for formal processes. Across many contexts, victims organise autonomously to lead memorialisation, documentation, and truth-telling efforts. In doing so, they build networks with other victims, forging strong bonds of solidarity around shared experiences. In Nepal, when the state-led truth and reconciliation process stalled, victim organisations assumed ownership of justice efforts and advanced community-based truth-telling and memory work. This demonstrates how victims can provide redress despite institutional blockages or lack of political will. Recognising and linking these informal processes with formal mechanisms is essential for broad, flexible, and context-sensitive participation.

Within formal processes, victims must be involved in decision-making, not merely consulted after key choices have been made. Too often, participatory spaces open only once priorities and mandates are already set, leaving victims to validate decisions rather than shape them. Unlocking the transformative potential of participation requires victims and affected communities to sit at the table where strategies are defined and outcomes determined. This includes enabling victims to construct their own narratives and define the forms of justice they deem necessary.

Victim participation must also be continuous and not a one-off event. Victim representatives should be involved from conceptualisation and agenda-setting through to implementation and follow-up. Involving victim-led organisations in co-drafting mandates of transitional justice institutions is one way to ensure sustained engagement. For example, in Colombia victim delegations were present throughout the peace talks and helped shape the design of the Special Jurisdiction for Peace. When engagement is ongoing, victims can also respond to emerging challenges and ensure that commitments made on paper are translated into practice.

Because transitional justice processes can be lengthy and justice needs are multifaceted, victims require appropriate conditions for participation. This includes support frameworks for psychosocial support, legal accompaniment, safe and accessible spaces, and translation or cultural mediation where needed. Practical considerations—childcare, transportation, cross-border organising—are equally important and require sustained funding and long-term commitment.

To guarantee meaningful participation, transitional justice institutions must be flexible and inclusive. They should adapt to the realities of victims rather than expecting victims to adapt to them. The Gambia's Truth, Reconciliation, and Reparations Commission exemplifies this approach: it created a Women's Unit, held private hearings for survivors of sexual violence, and provided psychosocial support. Its combination of formal and informal participation mechanisms demonstrates how intentional, responsive design ensures that participation is both safe and impactful.

When participation is meaningful, it can become transformative. It restores agency, strengthens dignity, and enables survivors to move beyond the passive role of victim. It can drive institutional reform, reshape public narratives, and contribute to non-recurrence. Ultimately, meaningful participation is not only a procedural requirement but a pathway to structural change. When victims

are sidelined, processes risk losing crucial knowledge, legitimacy, and ownership, weakening both their outcomes and their long-term sustainability.

### 3. Recommendations

#### To policymakers:

- **Decentralise the definition of justice:** Recognise and support community led and victim driven initiatives as legitimate components of transitional justice, preventing state centred monopolies over justice narratives.
- **Strengthen links between formal and informal processes:** Bridge institutional mechanisms with grassroots initiatives—such as community meetings, listening circles, and memory activities—to enhance legitimacy and trust.
- **Institutionalise continuous victim involvement:** Ensure victims participate from the earliest stages of transitional justice design and remain involved throughout implementation and follow up.
- **Guarantee sustained fiscal commitment:** Provide long term funding and ensure psychosocial, logistical, and material support so victims can participate safely and effectively.

#### To practitioners:

- **Facilitate, but do not hijack:** Ensure processes are consultative and victim led by creating conditions for victims to participate in decision making, construct their own narratives, and define the justice outcomes they seek.
- **Use diverse tools to promote participation:** Integrate art, storytelling, memory exhibitions, and dialogue spaces to enable victims to express experiences with dignity and emotional depth beyond legal or technical formats.
- **Proactively manage justice fatigue:** Mitigate frustration in long processes through transparent and consistent communication, realistic timelines, visible interim results, and continuous psychosocial support.

#### **Further reading:**

[From solidarity to participation: Elevating victim agency in political negotiation processes](#) (Ferstman, 2026)

This brief is based on lessons learned and recommendations drawn from the 2025 practitioners' conference [Transformative Transitional Justice in Practice: Confronting Challenges, Recognising Successes](#), complemented by additional research and analysis.

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## ABOUT THE INITIATIVE

The Global Learning Hub for Transitional Justice and Reconciliation is a network of organisations from Germany and across the world, initiated by the Berghof Foundation and the German Federal Ministry for Economic Cooperation and Development in early 2022. We want to facilitate an inspiring space for dialogue and learning that is driven by solidarity, inclusivity and innovation. By building bridges, generating knowledge and amplifying voices, the Hub seeks to advance the policy and practice of dealing with the past to strengthen peace and justice.

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