Overcoming exclusionary power structures and inequalities: Approaches to feminist transitional justice in practice

Transitional justice increasingly aims to promote societal transformation. The African Union Transitional Justice Policy, for example, explicitly lists creating the "conditions for socio-economic transformation" in its definition of transitional justice, while highlighting the importance of formal and informal mechanisms and their interconnection. Experience has shown that addressing structural injustices and discrimination, including gender-specific injustices and exclusion, contributes to just transitions and sustainable peace. It also increases the chances of a non-recurrence of conflict. In practice, however, transitional justice processes still do not pay enough attention to the deconstruction of power structures, instead reproducing them and even strengthening patriarchal norms.

A feminist approach may enable transitional justice to reach its envisioned goals. Yet, there is no universal concept of feminism. A diversity of cultural norms, realities and past experiences influence local definitions and perceptions of feminism. There is also a diversity of understandings of who is included (and how) in feminist approaches, ranging from women and girls, men and boys, LGBTQIA and other sexually or gender diverse people to other marginalised groups. Ignoring this complexity can risk re-imposing Western conceptions on very different contexts, while ignoring root causes of unequal power relations introduced in the past, including by colonial systems.

Organised by Arbeitsgemeinschaft Frieden und Entwicklung, Centre for the Study of Violence and Reconciliation

Experiences:

- Christine Alai, Utu Wetu Trust, Kenya
- Fatou Baldeh, Women in Liberation and Leadership, The Gambia
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Based on experiences and promising practice, the workshop explored how feminist concepts could enable transitional justice to deconstruct unequal power relations and contribute to socio-political changes.

Insights

Feminist approaches open avenues to bring the voices, needs and experiences of very different marginalised groups into dealing with the past processes – and to base these processes on fundamental values such as dignity, fairness, solidarity and empathy. More specifically, intersectional feminism, which considers the interplay of various oppressive or discriminatory mechanisms and factors (e.g. ethnic identity, religion, disabilities and gender) helps to better understand and tackle root causes of inequalities, oppression and power dynamics.

Marginalised groups, the largest of which being women, are often more committed to further the representation of other marginalised groups in dealing with the past processes and to advocate for social and economic justice as well as the equitable redistribution of power and resources. Hence, feminism urges us to think beyond a narrow understanding of justice and mere legal solutions and allows us to imagine what socio-political transformations can look like.

To achieve these goals, the involvement of feminist civil society from national to grassroots levels in transitional justice processes is a must. These organisations, which serve as a mouthpiece for the diverse voices of disadvantaged women and other marginalised groups, such as indigenous communities, create safe spaces to learn and understand transitional justice and peace processes, to allow survivors to exchange with their peers, and to formulate demands and recommendations for a sustainable, socially responsible transformation. Often, survivors of violence, including sexual and gender-based violence, and family members of victims have already created ecosystems of mutual support in their communities that need to be empowered further to scale up their work and demands.