

Press Release

Finalization of the National Consultations on Transitional Justice Policy Options - Ethiopia

Since the establishment of the Transitional Justice Working Group of Experts (TJWGE) in November 2022, Ethiopia's extraordinary journey in the consultations and policy design process has come a long way.

Drawing 14 members from academia, CSOs, legal practice, and policy drafting, the TJWGE is an independent and impartial ad-hoc group mandated to prepare a policy options study, carry out inclusive and broad-based consultations, and craft a comprehensive, integrated and context-specific transitional justice policy for Ethiopia. The TJWGE pursued its tasks building on earlier initiatives on the subject, specific recommendations of the Joint Investigation Report of the EHRC/OHCHR (November 2021), and stipulations of the Cessation of Hostilities Agreement (2 November 2022). On the ground, the TJWGE's endeavor was assisted by 216 law school professors engaged from 36 universities in the regions; they were critical in facilitating the identification and selection of participants, organization of local events, and the provision of interpretation services.

The TJWGE is now concluding the first but most critical phase of its mandate - after holding 47 regional and 8 national consultations, and further organizing 9 more tailored workshops jointly with various offices of the UN (UNHCR, UN Women and OHCHR-EARO), the African Union, IGAD, and CSOs. Since March 2023, the TJWGE was able to cover 12 Regions and 2 City Administrations, and reach to thousands of persons from various sections of the society.

The timeframe for conducting the nation-wide consultations was carefully designed and implemented to ensure the widest possible participation of diverse stakeholders and the gathering of larger volume of input - while also avoiding a protracted process. The timelines had been revised a few times - based on imperative conditions - including an overstretched capacity of the TJWGE; five workshops were also postponed due to security concerns.

Procedurally, the public consultations - and the TJWGE's works in general - were informed by a human-rights-based and victim-centered approaches - and mainly guided by values and principles enshrined under the AU Transitional Justice Policy (2019), the UN Secretary General's reports published in 2004, 2011 and 2023, and the OHCHR's Rule of Law Tools. The process provided an unprecedented space for in-depth collaboration with several multilateral and bilateral agencies and international experts - without compromising a vital principle that it also remains a nationally driven and locally owned undertaking, and aligns with the aspirations of all sections of the Ethiopian people.

Reflecting on the huge diversity in Ethiopia, the consultation process adhered to key principles recognized under human rights law - by engaging all critical stakeholders in the dialogues; it included those that are the most marginalized - such as refugees (including refugees residing in Ethiopia), IDPs, persons with disability, women, and children. Other targeted participants of the consultations process included religious and community leaders, youth, civil societies, media, academics, opposition political parties, activists and opinion influencers, business community members, labor, the elderly, and national and international experts on transitional justice.

Sixty carefully screened and identified participants were invited to each of the events. In 99% of the occasions, the participants' turn-out was 100% - which signifies the public's trust in this historically unparalleled process.

Victims of human rights abuses - coming from urban and sub-urban districts - were a central feature of all the consultations organized. Victims made-up for 60% of the participants' pool in each event. Uniquely, victims were offered a considerable space to voice their position in a conducive consultative ambience; this was particularly the case during the tailored FGD sessions of each of the consultations, as well as the two major 'women-victims-only' national workshops hosted in collaboration with the UN-WOMEN. To further complement the victim-centeredness of the national consultations process, two 'IDPs-only' consultations and two 'refugees-focused' consultations were organized in Ethiopia in collaboration with UNHCR Ethiopia.

Ensuring gender sensitivity and responsiveness of the process, the TJWGE implemented a well-thought-out protocol which enabled that in each workshop, 40% of the participants were women. Further cementing women's position as the main stakeholder, one 'women-only' workshop was organized nationally in collaboration with the UN-WOMEN.

Conforming to the principle of accessibility, each of the consultations was preceded by an in-depth sensitization program on concepts of transitional justice; this creative approach helped to make transitional justice notions and objectives easily comprehensible topics to the victims and other participants. Flexible methods were also deployed in the use of languages and translation services across the regions. Victims and participants were availed with language options which addressed the communication barriers and ensured their meaningful participation. The fact that the policy options document and key workshop guidelines were translated into three major languages - Afaan Oromo, Somali and Tigrigna - had also served the process.

On substantive levels, Ethiopians hailing from various districts pronounced their positions quite clearly and diversely on the different options of transitional justice presented. They debated freely and proactively, and offered critical insights that reinforce, challenge, and present alternatives to the policy options document. Indeed, the level of engagement and sense of ownership demonstrated by the public is highly reassuring.

True, a handful of participants did hold a pessimistic view about the process - which is inevitable in large meetings of diverse stakeholders on such a crucial national agenda. A small number of persons also expressed concern relating to the continued lack of stability in parts of the country - which had created a not-so-ideal ambience for such a grandeur mission. A few also raised views relating to challenges that may ensue during a full-fledged implementation of the transitional justice program - once the policy is adopted. However, nearly all participants echoed their deep conviction in the need for presenting a national solution grounded on transitional justice - and their trust in the level of pragmatism and professionalism displayed by the TJWGE in the run-up to the consultations.

As this phase wraps, the TJWGE has gathered a large volume of input from participants and written feedback from external stakeholders. The next most significant phase will involve preparing a 'Comprehensive Report' which narrates the evolution of the whole process, analyses the data organized so far based on internationally accepted methodologies, and composes the main findings, conclusions and recommendations on 'criminal

accountability', 'truth-telling', 'reconciliation', 'amnesty', 'reparations', 'institutional reforms', 'temporal scope', and 'the role of regional actors and traditional mechanisms'. The draft 'Transitional Justice Policy for Ethiopia' will then be organized based on contents of the Comprehensive Report. Both documents will be publicized and validated through additional tiers of engagement with select stakeholders in Addis Ababa and regions in the course of November 2023.

The TJWGE is grateful to the Government of Ethiopia, and in particular - the Ministry of Justice, for entrusting this responsibility on the team of experts, for part-financing the nation-wide consultations, and for maintaining significant space to allow the TJWGE operate independently and professionally.

The TJWGE also expresses its earnest gratitude to the African Union, OHCHR, UNHCR, UN Women, GIZ-Ethiopia, US Embassy and USAID for their unrelented support in the provision of technical and financial resources.

Transitional Justice Working Group of Experts, Addis Ababa

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