

POLICY PAPER

DECEMBER 2024

# AFRICAN UNION TRANSITIONAL JUSTICE POLICY IMPLEMENTATION GUIDANCE:

## ETHIOPIA

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## Introduction

Ethiopia, one of the world's oldest independent countries, has a complex history of conflict and human rights abuses. Throughout its modern constitutional governance, power has rarely shifted peacefully; instead, transitions have often occurred through violence. Despite historical and ongoing human rights challenges, Ethiopia lacked a comprehensive transitional justice (TJ) policy until the most recent initiative launched in 2022.

Prime Minister Abiy Ahmed came into office in 2018 amid widespread protests against the Tigray People's Liberation Front (TPLF)-dominated Ethiopian People's Revolutionary Democratic Front (EPRDF), bringing new dynamics to interethnic power relations. However, Ethiopia continues to face multilayered political, security and socio-economic challenges. Tensions between the federal government under the ruling Prosperity Party (PP) and the Tigray region, governed by the TPLF, escalated into a devastating conflict in November 2020, which spread to the neighbouring Amhara and Afar regions.

The conflict ended in November 2022 with the signing of the Cessation of Hostilities Agreement (CoHA) in Pretoria, South Africa. However, violence persists in the Amhara and Oromia regions, where insurgencies continue to challenge the federal government. In addition to pre-2020 human rights violations and longstanding debates over Ethiopia's historical narratives, both national and international human rights organisations have documented widespread abuses during the northern conflict from 2020 to 2022. Similar allegations of human rights violations are reported in ongoing conflicts, particularly in the Amhara and Oromia regions. These violations have been layered on top of historical abuses.

To address the human rights violations and disagreements over historical narratives, Ethiopia has employed various measures. Following the 1974 overthrow of the imperial regime, the military committee known as the Derg executed former senior officials without trial. When the Derg was eventually defeated, the EPRDF pursued trials of Derg officials – a process criticised as retributive and reflective of victors' justice. During the EPRDF era, new waves of persecution against opponents occurred, perpetuating cycles of injustice.

Under Abiy's administration, various TJ efforts have been introduced as part of broader political reforms, including official apologies, amnesty, prosecutions and the establishment of the Reconciliation Commission and the Administrative Boundaries and Identity Issues Commission. After the dissolution of these two commissions without meaningful results, the government initiated new institutions: the Ethiopian National Dialogue Commission and the National Rehabilitation Commission.

Although the latest TJ initiative began before the CoHA, the agreement significantly bolstered it, especially through Article 10(3), which commits the Ethiopian government to a comprehensive TJ policy aligned with the African Union Transitional Justice Policy (AUTJP) and the Constitution of the Federal Democratic Republic of Ethiopia (FDRE).<sup>1</sup> In response, the Transitional Justice Working Group of Experts was established in November 2022 to lead nationwide consultations, develop a TJ framework and conduct policy validation workshops. After extensive public consultations, the group produced a comprehensive report and draft TJ policy, which the Council of Ministers adopted on 17 April 2024.<sup>2</sup> Subsequently, a Transitional Justice Implementation Roadmap, which guides the overall implementation, follow-up and support under the policy, was developed and finalised on 19 August 2024.<sup>3</sup>

- 1 Agreement for the Lasting Peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation Front, signed November 2022, <https://igad.int/wp-content/uploads/2022/11/Download-the-signed-agreement-here.pdf>.
- 2 Council of Ministers of the FDRE, "Ethiopian Transitional Justice Policy," adopted April 2024, <https://transitionaljusticeeth.org/resource/>.
- 3 Secretariat of the Transitional Justice Institutional Coordination Mechanism of the Ministry of Justice, "Transitional Justice Implementation Roadmap," <https://transitionaljusticeeth.org/resource/>.

The TJ process is making progress amid challenging circumstances. Currently, the drafting of establishing proclamations for the TJ institutions envisaged under the policy – a Truth, Amnesty and Reparations Commission, a Special Prosecutor’s Office, a Special Bench and an Institutional Reform Commission – is underway. In addition, the Transitional Justice Institution Coordination Mechanism Secretariat has been set up within the Ministry of Justice to coordinate the implementation of the TJ process.

This policy paper analyses the design and implementation of Ethiopia’s latest TJ initiative in light of the AUTJP. The discussion is organised around the 11 indicative elements of TJ and three cross-cutting issues outlined in the AUTJP.

## Adapting AUTJP provisions to Ethiopia

### *Peace processes*

As stated in the AUTJP, the peace process element of TJ is concerned with bringing an end to violence and removing the threat of further violence impacting the affected population. Effective peace processes must establish clear TJ goals from the outset. Furthermore, peace negotiations and agreements should not be used to perpetuate a culture of impunity, which could undermine the brokered peace.

Ethiopia’s TJ initiatives are progressing amid ongoing conflicts in Oromia and Amhara, which poses challenges to conducting a successful process. Two rounds of peace negotiations between the government and the Oromo Liberation Army, active in Oromia, have taken place but failed. In the Amhara region, a 15-member Peace Council has been established to facilitate negotiations between the government and armed groups known as ‘Fano,’ though progress has yet to be achieved.

In addition, the fragile peace in Tigray is now threatened by divisions within the TPLF leadership, particularly regarding the handling of regional politics

and the CoHA. These divisions could further complicate Ethiopia’s TJ efforts. The Tigray Interim Administration has also raised concerns about the TJ process, demanding participation on equal footing with the federal government in designing and implementing the TJ policy.<sup>4</sup>

Given these dynamics, peace processes are a crucial element of TJ efforts in Ethiopia. Since sustaining peace is, by its nature, considerably more challenging than merely reaching a peace agreement, all stakeholders should engage in a concerted and continuous effort to effectively maintain peace.

### Recommendations:

- Parties to the ongoing conflicts should engage in trust-building measures.
- International and regional partners, particularly the Intergovernmental Authority on Development (IGAD) and the African Union should support and strive to bring the conflicting parties to the table and facilitate negotiations.
- The traditional media should work more on peace and reconciliation by designing and implementing robust, continuous programmes that promote a culture of peace.
- The federal government should undertake targeted efforts, including continuous consultations about the TJ initiative, to secure political buy-in from diverse dissenting voices.
- The Tigray authorities need to actively engage with the federal government in the TJ process to address the needs of victims/survivors in the region.
- The federal and regional governments should recommit to effectively implementing disarmament, demobilisation and reintegration (DDR), including by extending the National Rehabilitation Commission’s term, as it is nearing expiration.

<sup>4</sup> Tigray People’s Liberation Front, “A Response to the Second COHA Anniversary Statement by the Honorable Antony J. Blinken, U.S. Secretary of the State Department,” 7 November 2024, <https://shorturl.at/yEDHZ>.

- International and regional partners should keep supporting DDR by providing adequate funding and other resources.

### ***Transitional justice commissions***

TJ commissions play a crucial role in addressing past violations. Although these commissions may have different names and mandates, they focus on documenting historical wrongs, allowing victims/survivors to testify about their experiences, and enabling perpetrators to confess and reflect on their actions. The AUTJP establishes important benchmarks for effective commissions, with a key criterion being the independence of the commissioners.

Ethiopia's TJ policy envisions the establishment of the Truth, Amnesty and Reparations Commission, primarily tasked with uncovering the truth, and additionally given the authority to grant conditional amnesty and provide reparations. Although specific criteria for appointing commissioners will be outlined in future laws, the policy stresses impartiality, inclusiveness, independence from political influence and a transparent, stakeholder-inclusive selection process.

Independence is crucial for the legitimacy and success of Ethiopia's forthcoming Truth, Amnesty and Reparations Commission. As the drafting of the enabling legislation progresses, there are valuable lessons to draw from past experiences, particularly from the limitations of the former Reconciliation Commission, the Administrative Boundaries and Identity Issues Commission and the ongoing National Dialogue Commission. These bodies faced challenges due to limited political commitment, inadequate public engagement in commissioner appointments and overly broad mandates. Addressing these issues remains critical to ensuring the commission's legitimacy and enhancing its potential to achieve the desired outcomes.

Recommendations:

- The House of Peoples' Representatives (HoPR) should ensure that the criteria and procedures for selecting commissioners, as outlined in the national TJ policy, are clearly specified in the proclamation establishing the commission.
- The Ministry of Justice and the HoPR should conduct thorough and meaningful consultations on the draft enabling law, devoting ample time and engaging diverse stakeholders, including victims/survivors and the public, to enhance the commission's legitimacy.
- The HoPR should grant the commission a sufficient term of office and the necessary powers to function effectively, including subpoena, search and seizure powers and access to national archives and other official records.
- Although the Truth, Amnesty and Reparations Commission and the National Dialogue Commission will have distinct mandates, there are potential areas of overlap and interactions. Hence, the HoPR should ensure the existence of formal complementarity between the two commissions while adopting the law to facilitate their effective operation.
- The federal government should take the necessary measures to reduce the perception of interference in appointing commissioners and the operations of the new commission.

### ***African traditional justice mechanisms***

The AUTJP includes customary justice mechanisms as an indicative element of TJ. Despite their relative advantages in some cases, they have limitations, including the exclusion of women and youth, political manipulation of indigenous leaders, declining respect among younger generations and practices that may conflict with human rights. These limitations should be addressed for greater alignment with the TJ process.

Taking a cautious approach, Ethiopia's TJ policy acknowledges both the significance and limitations of these institutions. As such, the policy limits the involvement of customary justice systems primarily to local matters involving relatively less severe human rights violations and conflicts. They have a role in truth-seeking, reconciliation and reparation and only for cases outside the scope of the Truth, Amnesty and Reparations Commission.

**Recommendations:**

- The federal government should enact a national law to broaden the legal standing of customary institutions in criminal matters.
- The Ministry of Justice, in particular the Transitional Justice Institutional Coordination Mechanism Secretariat, should give communities the right to select their representatives, rather than following the usual practice of cherry-picking customary leaders, to address concerns related to traditional institutions while engaging them in the TJ process.
- The Ministry of Justice, in particular the Transitional Justice Institutional Coordination Mechanism Secretariat, and civil society organisations (CSOs) should implement continuous and organised capacity-building efforts to make these institutions more human rights compliant and inclusive, ensuring their sustainability without compromising their core nature.

**Reconciliation and social cohesion**

The AUTJP views reconciliation as both a goal and a process to address historical violence and oppression, restore broken relationships and foster peaceful coexistence. Achieving true reconciliation requires the disclosure and acknowledgement of past injustices.

Ethiopia's TJ policy ties reconciliation to truth-seeking concerning past human rights abuses. While the material scope of the truth-seeking and reconciliation element is limited to gross human rights violations, its temporal scope is virtually unlimited as long as there is information and evidence. This contrasts with the temporal scope for criminal accountability, which covers violations since the 1995 adoption of the federal Constitution. As Tadesse Metekia notes, this approach to truth-seeking and reconciliation may raise unrealistic expectations and risk public dissatisfaction, as well as present methodological challenges, such as inefficiencies and the cherry-picking of events, potentially inviting accusations of bias and victors' justice.<sup>5</sup>

**Recommendations:**

- The government and other stakeholders should approach the elements of the TJ process holistically and integrate them with other transitional measures, such as the national dialogue, for the process to succeed.
- The Ethiopian National Dialogue Commission should establish a formal exchange of information with the Truth, Amnesty and Reparations Commission to redefine the temporal scope of the TJ process concerning truth-seeking and reconciliation.
- The Ministry of Education should integrate shared societal values into the education system to promote reconciliation, as it is a gradual process.
- The government should be cautious not to impose a national narrative and instead support its organic emergence through public dialogue and truth-telling, with the active involvement of diverse groups, especially victims/survivors.
- The HoPR should extend the term of the National Dialogue Commission, which is set to expire in less than three months. An extension would provide the necessary time to engage dissenting groups and work towards achieving the commission's intended objectives, thereby contributing to the successful TJ process.

**Reparations**

According to the AUTJP, reparations provide both material and symbolic redress for human rights violations. Ethiopia's TJ policy outlines a comprehensive approach, incorporating restitution, rehabilitation, commemorative actions and full disclosure of past abuses. The policy mandates that the Truth, Amnesty and Reparations Commission implement interim reparative measures to address urgent needs while establishing a sustainable, long-term reparations programme.

5 Tadesse Simie Metekia, "From Policy to Practice: Implementing Transitional Justice in Ethiopia with International Standards," Policy Brief, Konrad Adenauer Stiftung, 2024.

Funding for reparations is expected to be a significant challenge, given Ethiopia's economic conditions and the high number of victims/survivors. A dedicated reparation fund, as envisioned in Ethiopia's TJ policy, is essential. It will require robust government commitment and external support for adequate funding. In addition, mental health and psychosocial support are critical, given the widespread trauma from torture, displacement and gender-based violence, among other abuses.

Recommendations:

- The government, international partners, CSOs and other stakeholders should focus on providing immediate mental health and psychosocial support services as well as material assistance to victims/survivors to facilitate their participation in the TJ process.
- The HoPR should expedite the approval of the draft law on internally displaced persons, while CSOs could play a key role in advocating for their protection, to address the complex challenges that displaced persons are facing throughout the country.
- The government, international partners and CSOs should coordinate efforts to mobilise resources for reparations and explore various funding sources, including public contributions.
- The government, CSOs and other partners should exercise caution in managing public expectations, notably among victims/survivors, with clear communication about what the TJ process can realistically achieve.

### ***Redistributive (socio-economic) justice***

The AUTJP acknowledges that addressing socio-economic injustices is crucial for achieving sustainable peace and overcoming structural inequalities. Ethiopia's conflicts largely stem from deep-seated societal inequalities and violations of socio-economic and

cultural rights. In this context, redistributive justice is essential, as political power and economic advantages often align with ethnic dynamics, perpetuating cycles of marginalisation.

For example, grievances over the dominance of elites from numerically smaller ethnic groups, whether real or perceived, fuelled widespread protests from 2016 to 2018, particularly in the Oromia and Amhara regions. Recent and ongoing internal displacement and inter-community tensions further highlight the need for redistributive measures.

Recommendation:

- As the Ethiopian TJ policy does not prioritise redistributive (socio-economic) justice, the government should look beyond the transition period and adopt equitable fiscal and development strategies, along with fair resource and power-sharing arrangements, to address underlying inequalities.

### ***Memorialisation***

As a core pillar of TJ, memorialisation emphasises taking measures beyond the immediate transitional period, alongside other elements such as truth-seeking, accountability, reparation and institutional reforms. Memorialisation should not serve as a means to perpetuate impunity, although as Tim Murithi and colleagues note, "memorialization is political in nature, often highly contested and 'imperfect.'"<sup>6</sup>

In Ethiopia, so far, decisions on which events and victims to honour are highly politicised. Monuments meant to promote unity often deepen divisions, undermining the goal of memorialisation. The Ethiopian TJ policy recognises memorialisation as part of reparation but addresses its contentious nature with caution. It calls for research-based legal frameworks to guide reparations, including memorialisation, with clear procedures and criteria to minimise divisiveness.

6 Tim Murithi, Stephan Parmentier and Natascha Zupan, "Effective Implementation of Transitional Justice Mechanisms: Challenges and Prospects in Africa and Europe," Policy Brief, Centre for the Study of Violence and Reconciliation, 2013, 7.

**Recommendations:**

- The Ministry of Justice and the HoPR should ensure that the drafting and adoption of the reparation law, as envisaged in the TJ policy, are guided by extensive public deliberations that reflect diverse narratives and foster broad consensus, particularly given the sensitivity and politicisation of memorialisation.
- The Ethiopian TJ policy specifies that a study will be conducted before implementing reparations. This study should include diverse participants, particularly marginalised groups such as youth and ethnic minorities, and their input should be given serious consideration to ensure meaningful participation.

***Diversity management***

The diversity management element of the AUTJP addresses conflicts and violations where violence is organised and perpetrated based on race, ethnicity, sex, language, religion, political or any other opinions, national and social origin, fortune, birth or other status. This is crucial in societies where ethnocultural and religious polarisation plays a significant role in conflicts or where violence targets specific groups.<sup>7</sup>

Although the extent of its accommodation has been debated, Ethiopia is home to diversity. Mindful of the longstanding question of ethnicity, the Constitution provides for a federal system that has institutionalised ethnicity and provides various protections, including conferring sovereign power on ethnic groups. However, even three decades since the adoption of the Constitution, this approach remains a major source of disagreement among different groups. The political landscape is deeply ethnically charged, with groups vying for dominance at the centre, while others are marginalised. This polarisation has led to large-scale displacement and loss of life and property for many.

**Recommendations:**

- The Ministry of Justice should uniformly enforce hate speech laws, regardless of individuals' identities or affiliations.
- The House of Federation should use Nation, Nationalities and Peoples' Day as a means to strengthen national unity by reaching groups with diverse interests.
- The Ministry of Peace should work more on people-to-people relationships that celebrate and promote understanding of the country's diversity.
- The federal and regional governments should establish policies, laws and institutions that protect the interests of minority ethnic groups and guarantee their fair and meaningful representation in all branches of government.

***Justice and accountability***

The justice and accountability element of the AUTJP deals with the formal and non-formal or traditional legal measures that should be adopted for investigating and prosecuting the crimes perpetrated. In the Ethiopian context, the TJ process faces three key challenges in establishing a credible accountability framework.

The first is regarding the judicial mechanism for accountability. A key question is what type of judicial mechanism Ethiopia should adopt. The AUTJP advocates for national systems with independent courts, and when legitimacy or capacity is lacking, recommends alternatives like hybrid courts or special chambers to ensure credibility, especially among affected communities and victims/survivors. In Ethiopia, public consultations on TJ revealed regional divides. While the majority opted for a new special domestic court, participants from Tigray favoured an internationally led or hybrid mechanism.<sup>8</sup> The Transitional Justice Working Group proposed a compromise: a domestic court with

<sup>7</sup> African Union, "Transitional Justice Policy," para. 75.

<sup>8</sup> Transitional Justice Working Group of Experts, "Report on the Public Consultation and Data Collection Processes Regarding the Transitional Justice Policy Options in Ethiopia," Ministry of Justice, 29 December 2023, pp. 108–109 (author translation from Amharic).

international expertise. However, the Council of Ministers approved the establishment of the Special Bench within existing courts.

The second issue is the timing of criminal accountability. Ethiopia's TJ policy targets those bearing the greatest responsibility for serious violations, including war crimes and crimes against humanity, but the political and security context complicates immediate prosecution, as many alleged perpetrators arguably hold significant power. Hence, attempting to prosecute these 'big fish' could lead to ethnic tensions and risk further violence. A clear sequencing strategy between TJ mechanisms could help address this challenge.

The third challenge is ensuring accountability for non-national perpetrators, especially Eritrean forces in the recent Tigray conflict. Ethiopia's TJ policy proposes extradition, but the current seemingly strained relations with Eritrea make this unlikely. Alternative diplomatic or legal strategies, backed by international advocacy, could help ensure accountability.

Recommendations:

- The Ministry of Justice, specifically the Transitional Justice Institutional Coordination Mechanism Secretariat, and the Federal Supreme Court should prioritise ensuring the legitimacy of the Special Bench for a credible accountability process. While the national policy has opted for a Special Bench despite the public preference for a special court, this can be achieved by safeguarding its independence through a rigorous vetting process for selecting judges.
- The Ministry of Justice, specifically the Transitional Justice Institutional Coordination Mechanism Secretariat, should ensure the enabling law for the Special Bench maintains its legitimacy by appointing neutral experts to draft it and allowing meaningful participation from interest groups and the wider public.
- Given Ethiopia's current context, immediate criminal prosecutions may be premature. Instead, the government should prioritise strategic preparatory activities, including drafting and enacting

legislation on core international crimes, which lay the ground for the accountability process.

- CSOs and international partners should actively monitor the process, pressuring for a genuine accountability mechanism rather than a 'box-ticking' exercise. They should also advocate for thoughtful sequencing across TJ measures to foster a credible and effective process.
- The HoPR should address the gap in Ethiopia's current criminal procedure law, which lacks clear provisions for plea bargaining, while adopting the substantive and procedural laws for the TJ process, as suggested by the AUTJP.

### ***Political and institutional reform***

Political and institutional reform aims to restructure constitutional, legal and institutional frameworks while promoting the democratisation of politics and public administration, as outlined in the AUTJP. Ethiopia's TJ policy emphasises institutional reforms across the federal and regional justice, peace and security sectors, as well as within media and other entities implicated in human rights abuses or failures to protect against them. This includes revising laws, policies and procedures that facilitated these abuses.

The policy mandates the establishment of a free, independent Institutional Reform Commission empowered to vet institutions and recommend corrective actions for parliamentary approval. This commission will implement a comprehensive vetting procedure targeting prioritised institutions, and the Ministry of Justice is currently drafting legislation to operationalise its establishment.

Two main issues arise concerning political and institutional reform within Ethiopia's TJ context. First, some of the priority institutions, identified during public consultations, have initiated internal reforms independently of the TJ process – most notably the judiciary and the Ministry of Justice. While this initiative is not by itself a problem, it should remain an interim step until the Institutional Reform Commission is fully operational. Second, the policy places significant focus on institutional reforms but appears to neglect political

reforms, which are crucial for democratising governance and the state.

Recommendations:

- The success of institutional reform hinges on the legitimacy of the commission overseeing the process. Ethiopia's TJ policy emphasises the need for competent, independent and impartial commissioners, and the government must actively implement this commitment to foster trust in the commission and its work.
- Institutions such as the judiciary and the Ministry of Justice, which have initiated internal reforms, should align their efforts with the broader TJ-driven institutional reforms under the forthcoming commission to win public trust in the reform process.
- The government should address the political dimension of reform, prioritising the democratisation of state institutions to structurally prevent human rights abuses and promote accountability.

### ***Human and peoples' rights***

This element of TJ is especially relevant for Ethiopia, where weak rule of law and ongoing violence create a strong need for justice. The World Justice Project ranks Ethiopia 130th out of 142 countries, with a low score of 0.37.<sup>9</sup> Ethiopia's history of authoritarianism, persistent violence, rising inter-communal tensions and weak human rights institutions has fuelled widespread rights abuses. During the northern Ethiopia conflict, severe human rights and humanitarian violations occurred, continuing in regions like Amhara and Oromia. The conflict in the Amhara region, coupled with drought and other factors, has left over 4.1 million children out of school.<sup>10</sup>

Ethiopia's TJ policy, acknowledging the scale of these violations, prioritises reforms within institutions involved in past abuses and emphasises the need to prevent future violations by addressing enabling laws and policies.

Recommendations:

- The government should provide greater support for human rights institutions so they can freely advocate for and promote human and peoples' rights. Expanding this space is crucial for CSOs to contribute to human rights efforts.
- The government must commit to genuine accountability measures within the TJ process to break the entrenched culture of impunity, address past violations and lay the groundwork for lasting respect for human rights in Ethiopia.
- The federal and regional governments and other stakeholders, including international partners, should make access to education a top priority.
- All parties to the ongoing conflict should uphold international humanitarian law and ensure that their actions do not disrupt or destroy education.

## **Addressing cross-cutting issues**

### ***Women and girls***

Achieving the goals of TJ is challenging without prioritising the unique impacts on women and girls, who suffer disproportionately in conflicts. This focus is particularly crucial in light of the large-scale sexual and gender-based violence (SGBV) reported during conflicts in Ethiopia. Although accurate statistics are often difficult to obtain, there are indications that over 120 000 women experienced sexual violence during the two-year conflict in the north.<sup>11</sup> More recently, in the

9 World Justice Project, "Rule of Law Index," 2024, <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2024.pdf>.

10 United Nations Office for the Coordination of Humanitarian Affairs, "Ethiopia – Situation Report, 10 June 2024," <https://www.unocha.org/publications/report/ethiopia/ethiopia-situation-report-10-june-2024>.

11 Genocide Watch, "Ethiopia's Slow Recovery for Rape Victims in Tigray," July 2024, <https://www.genocidewatch.com/single-post/ethiopia-s-slow-path-to-recovery-for-rape-victims-in-tigray>.

Amhara conflict, over 5 000 SGBV victims sought clinical care in 2024.<sup>12</sup>

The AUTJP underscores the necessity of involving women and women's groups at all stages of TJ processes, ensuring their representation in consultations and decision-making, and providing discreet medical, psychological and counselling services for SGBV survivors.

During the design phase of Ethiopia's TJ policy, the Transitional Justice Working Group prioritised fair representation of women and victims/survivors, constituting 50 percent and 60 percent representation in consultations, respectively. Efforts were also made to ensure the TJ policy is gender-sensitive. This includes classifying rape and other gender-based violence as 'gross human rights violations.' The policy further provides that investigation and prosecution processes support women and girls who have experienced sexual violence, upholding their dignity, minimising further harm and providing access to mental health and shelter services.

Gender representation is also a central aspect of the policy in the composition of the new TJ institutions, specifically in the recruitment and appointment of investigators and prosecutors for the Special Prosecutor's Office and appointment of judges for the Special Bench and commissioners of the Truth, Amnesty and Reparations Commission. While these efforts are commendable, TJ measures must go beyond token representation.

Recommendations:

- CSOs, notably women's rights groups, should bring greater focus to the widespread SGBV in the country. Public awareness campaigns can help emphasise the urgency of addressing SGBV in TJ initiatives.
- As in the other TJ measures, the composition of the leadership of the Special Prosecutor's Office should be made representative and gender-sensitive, particularly when drafting the enabling law of the office.

- The provision of medical and mental health and psychosocial support services to SGBV victims should be prioritised. CSOs and international partners can play a critical role in advocating for and supporting initiatives that provide necessary resources for victims/survivors' rehabilitation and reintegration.

### ***Children, youth and other marginalised groups***

As a result of the disproportionate impact of conflict on children and youth, particularly the loss of socio-economic rights such as food, health and education, the AUTJP urges that TJ processes prioritise their best interests. The AUTJP recommends the use of alternative accountability processes, other than judicial proceedings, when children are forcibly recruited into armed groups and are responsible for violations.

Ethiopia's armed conflicts, including the northern conflict, have severely impacted children, with allegations that the TPLF used child soldiers. Ethiopia's TJ policy regards crimes against children as gross human rights violations and requires that justice processes align with constitutional and international human rights standards. The policy mandates special protections for juveniles, supports alternative accountability mechanisms, including customary justice systems, and emphasises reparations that address children's unique needs. During the public consultations for the policy, there were no youth-only sessions, but efforts were made to include input from various groups, including children's parliaments and children's rights organisations.

The absence of consultations with the diaspora in the design phase of the policy is a major oversight, particularly given the diaspora's active involvement in Ethiopian politics. The TJ Implementation Roadmap partially tries to address this gap by scheduling awareness-raising forums on the policy's content and progress for the diaspora community.

12 The Reporter, "Amhara Universities Forum Raises Alarm over Rising Sexual Violence, Disease Outbreaks amid Conflict," 21 October 2024, <https://thereporterethiopia.com/42332/>.

**Recommendations:**

- CSOs, especially those focused on child rights, should closely monitor that violations against children are properly addressed and that juveniles are treated appropriately in the TJ process.
- The Ministry of Justice, particularly the Transitional Justice Institutional Coordination Mechanism Secretariat and the Ethiopian Diaspora Service, as well as the Ministry of Foreign Affairs, should organise diaspora forums as scheduled to raise awareness about the policy's implementation and gather diaspora input to avoid symbolic gestures and strengthen policy legitimacy.

**Conclusions and way forward**

This policy brief assesses Ethiopian TJ initiatives in light of AUTJP provisions and provides actionable guidance for the way forward. Adopting a national TJ policy is a step in the right direction, but not an end. This policy should be translated into action, including by taking victim/survivor-centred corrective measures when challenges arise.

Implementation of the policy should be done in an integrated and flexible manner, and establish a formal system of relationships with other national initiatives, such as national dialogues and DDR. The forthcoming TJ measures should be established using a participatory process, and be independent and inclusive. This would

bestow them with an earned legitimacy in the eyes of affected communities and help the TJ process to succeed.

One of the key challenges for Ethiopian TJ is the ongoing violence in some parts of the country. For the TJ process to succeed, these conflicts should be addressed. Furthermore, while early design efforts were promising, the relatively rushed approach to adopting the national TJ policy and roadmap raises concerns. Moving forward, the Ministry of Justice should devote enough time for meaningful consultations, particularly in the drafting process of legislation that establishes the TJ institutions envisaged in the policy.

A broad consensus and the active involvement of all stakeholders are essential. TJ should not be an issue left solely to the government; it requires the unwavering commitment and contribution of all stakeholders, with the clear aim of confronting the past and promoting reconciliation. To this end, the government should create an enabling space for democratic and human rights institutions to have a neutral voice. CSOs should also claim the space and actively monitor the TJ process, despite challenging conditions. International support, including funding and expertise, will also be critical.

Finally, while TJ is essential in Ethiopia, it is not a panacea for all of its challenges. Managing expectations, particularly of victims/survivors, will help maintain public confidence in the TJ process.

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