



POLICY BRIEF

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YOUTH INCLUSION IN TRANSITIONAL JUSTICE POLICY IN AFRICA

YOUTH CONTRIBUTE TO SHAPING
THE WAY FORWARD

impunity  watch



CSV
Centre for the Study of
Violence and Reconciliation

Summary

Including youth in the design and implementation of transitional justice (TJ) is now being recognised as a key priority that has been long neglected. Such inclusion and participation would strengthen the value of transitional justice initiatives for society and make them more responsive to youth priorities and perspectives. This policy brief draws on the voices of youth in four African countries to guide the debate about how youth can be involved in transitional justice policy development and provide recommendations on taking this forward.

Introduction

Youth inclusion has emerged as a key consideration in the development of transitional justice policies and interventions. This comes as part of a growing recognition of the need to focus on youth development in ways that respect their rights and incorporate their agency. The field of transitional justice has traditionally not been very effective in engaging youth in its various initiatives, and has been slow to take up the opportunities offered through including youth as key stakeholders in these processes. The conventional views on youth involvement in TJ has been limited by the tropes of child soldiers, vulnerable children and other paternalistic perspectives that prioritise conventional wisdom or technical expertise over views from below.

Framing a clearer understanding of the place of youth in transitional justice policy discussions has been hampered by a confusion about the meaning of this concept of youth, its relation to childhood and adulthood, and its political significance in contexts of conflict. The concept of youth is indeed multifaceted. Firstly, it can be understood purely in terms of biological age, where the African Union's African Youth Charter recognises young people as any person aged between 15 and 35. The contextual and socially constructed nature of the concept is however crucial for making sense of its relation to TJ, where youth is recognised as a period of transition between childhood and adulthood. This period includes many social, cultural, economic and other rites of passage, which symbolically mark a person's transition from childhood to adulthood. Whilst these rites of passage or markers vary across contexts,

they may include employment, financial independence, marriage, parenthood or moving out of the parental home. These are all processes, norms and roles that are severely disrupted by large-scale social conflict.

Conflict, industrialisation, and colonial and post-colonial forces have contributed to social, political, and economic environments where it is increasingly difficult for young people to meet these markers and thereby symbolically transition from childhood to adulthood. These and other factors have essentially morphed youth from a period of transition to that of waitthood, where a growing percentage of youth are delayed or may never reach the symbolic markers associated with adulthood. At the same time, conflict processes may escalate the transition to adulthood in a highly disruptive fashion by placing children and young people in positions of combatants, heads of households, breadwinners or parents due to rape or other conflict-related circumstances.

This situation means that many youth are blocked from reaching their aspirations or social expectations, or pushed into roles that they have not chosen and for which they are not prepared. Given the youthfulness of many African countries (which contains 19 of the 20 youngest populations in the world), these challenges undermine young people's innate potential and ability to contribute to various aspects of local and national development. These experiences also greatly undermine youth mental health and overall well-being.

A growing percentage of youth are delayed or may never reach the symbolic markers associated with adulthood

Youth experience these challenges in a context of political and social turmoil. Many have seen their countries descend into conflict and economic distress, presenting them with little hope for their countries or their own personal development. Political leadership in these situations has given scant attention to the views of youth. Even in the context of social reconstruction, young people have often remained marginalised from spaces where these developments are determined. Transitional justice has only recently begun to correct this approach and explore more creative and empowering strategies for youth engagement.

Youth and Transitional Justice in Africa

Youth have been key role-players in both conflict and peace processes. In conflict contexts they have been key agents as well as victims of violence. While many processes have conventionally objectified them as important actors who need to be controlled and influenced, recent approaches have shifted towards recognising them as stakeholders who need to be engaged and included. Acknowledging the importance of their role in ensuring legitimacy and contributing new insights, scholarship and policy debates have recently recognised various avenues for ensuring greater inclusion of youth in peace processes.

Youth have been key role-players in both conflict and peace processes

This recognition of the importance of youth inclusion can be seen in three recent United Nations Security Council resolutions, namely Resolutions 2250 of 2015, 2419 of 2018, and 2535 of 2020. This shift is also evident in the African Union's (AU) approach to peace processes and transitional justice. In 2019, a Continental Framework on Youth, Peace and Security was adopted with the objective of facilitating 'the meaningful engagement and participation of African youth in all spectrums of peace and security at national, regional and continental levels'.¹ This framework is given substance by various engagement and dialogue initiatives.²

While various policies adopted by the United Nations, European Union and other international institutions have included strong commitments to inclusion as a key principle of transitional justice, the AU has taken this a step further. Its policy explicitly includes a focus on youth as a key constituency for inclusion. It also includes, within its nine foundational principles, commitments to

'inclusiveness, equity and non-discrimination' and 'due regard to the gender and generational dimensions of violations and transitional processes'.³

Most transitional justice processes have proceeded with minimal consultation with youth and often fail to draw on them as active participants

While these principled commitments are to be welcomed, their implementation in practice at national level still leaves much to be desired. Most transitional justice processes have proceeded with minimal consultation with youth and often fail to draw on them as active participants. The lack of youth participation appears to be a problem in how transitional justice has been framed in relation to youth priorities and a failure of national policy-making processes more generally to include youth.

Perspectives on Youth and Transitional Justice

Although the importance of youth inclusion has been formally recognised as a key principle in developing appropriate and responsive TJ processes, what this means in practice remains unclear. How can youth be included in such policy processes? What are the obstacles to their involvement? And what would a more youth-responsive transitional justice agenda look like? To address these questions, Impunity Watch and CSVR partnered on a research and dialogue project that aims to bridge the gap between communities and continental policy-makers.

The project focused on three core issues of transitional justice policy-making: (1) the participation of African youth, especially young women, in policy-making, (2) gender and masculinities, and (3) mental health and psycho-social support (MHPSS). The research seeks to shift the focus from policy expert inputs to engaging

- 1 African Union (2020), 'Continental Framework for Youth, Peace and Security', <https://au.int/sites/default/files/documents/39150-doc->
- 2 For more details see Maryline Njoroge (2021), 'Youth Engagement in Peace Processes in Africa', *Conflict Trends*, 2021(1), <https://hdl.handle.net/10520/ejc-accordc-v2021-n1-a6>. These initiatives include the Youth for Peace (Y4P) Africa programme of the Peace and Security Department, African Youth Ambassadors for Peace, and the Office of the AU Special Envoy on Youth.
- 3 *African Union Transitional Justice Policy* (2019), p. 4, <https://au.int/en/documents/20190425/transitional-justice-policy>. The AUTJP mentions the term youth 29 times.

the views of youth and youth activists and understanding their experiences and perspectives.

This policy brief focuses on the first core issue and shares the results of focus group discussions (FGDs) and individual interviews held with youth and key informants in four countries: Burundi, the Democratic Republic of Congo (DRC), South Sudan and Mali. A total of 132 youth participated in FGDs and key informant interviews between October and December 2021. This included a relatively equal distribution of youth voices from the four countries. Of the 132 youth, 68% identified as female and 32% identified as male. Whilst young people of all ages were included in the discussions, 35% of the youth were between the ages of 18 and 24, 41% between the ages of 25 and 30, and 24% between the ages of 31 and 35.

The research seeks to shift the focus from policy expert inputs to engaging the views of youth and youth activists and understanding their experiences and perspectives

The young people who participated in the discussions were also diverse in terms of their locations, educational outcomes and levels of civic engagement. This included youth from both rural and urban areas, youth from areas greatly affected by conflict, as well as youth with varying exposure to concepts such as governance and transitional justice.

The questions included in the FGD and interview schedule focused on participants' understanding of the concepts of policy, participation and TJ; perceptions of participation in national policy-making; awareness of the AUTJP, as well as perceptions of youth participation in TJ policy-making in their respective countries. The results shared in this brief represent an integrated presentation of the key themes that emerged from these discussion points.

This policy brief serves as a complement to another CSVN policy brief on Youth and Transitional Justice authored by Usani Odum,⁴ which focuses on the policy dimensions and continental dynamics of youth engagement in conflict and peace processes.

Views on Policy and Participation in Policy-making

Youth in our study recognised policies as documents that outline strategies, guidelines or instructions on how certain matter should happen. Policy was mostly viewed as an exclusionary, top-down process developed by government or members of parliament. To a lesser extent, policy was also noted as taking place in various institutions at different levels – local through to national. This included recognising that policies were developed in businesses, schools, NGOs and the home (even though these may not be written policies).

Policy is a set of strategies put in place; it is a set of rules put in place by a house as a procedure.

(FGD, DRC)

Policies are made in parliament, in government, in different ministries and divisions, at the legislative level, in NGO boards, in the coordination of a civil society.

(FGD, DRC)

Where we live, everywhere there is policy. For example, in school, there is policy which guides the students and the lecturers or the teachers. So by this, I can say policies can also be made at school even in work places, like in NGOs, the admin and the human resource can make policy for the company or for the NGO.

(FGD, South Sudan)

Although government departments or officials were generally viewed as being responsible for policy implementation, participants also recognised that policies were diverse and generally stipulated who was responsible for implementing the points mentioned therein.

There are actually so many policies. For example, finance policies should be implemented by finance people and there are set regulations to do with finance systems. You have procurement policies. All [of these policies] are implemented

⁴ U Odum, U. (in press). *Harnessing Africa's Demographic Dividends for Youth Participation and Engagement in Transitional Justice Processes (Policy Brief)*. Johannesburg: Centre for the Study of Violence and Reconciliation.

by various sections within the institutions, either organisation or government.

(FGD, South Sudan)

Participation was understood as the different ways that people could be involved in their communities or involved in aspects of local, regional and national development and governance. The two most recognised forms of participation included community institutions, such as involvement with community- or faith-based organisations, as well as participation in public gatherings such as community meetings or public consultations.

To participate is to be involved in something or to find oneself in something. It's when the people in a process provide perspectives

(FGD, DRC)

The results highlighted competing narratives or discourses around youth and public participation more

broadly. On the one hand, some responses reinforced the image of youth and communities as choosing not to participate. Herein, youth are viewed as uninvolved, lazy and dependent, where they simply hang around waiting for government handouts.

Young people think it is high time that they themselves stood up and show that they want to participate since now most young people only like easy money.

(FGD, Mali)

On the other hand, the reality is that participation in local and national decision-making processes is often quite exclusionary and complicated. Responses reinforced other research findings that highlight how lower levels of youth and community participation in decision-making processes may stem from their disillusionment with the exclusionary or tokenistic nature of these processes or spaces.⁵ Youth may attempt

5 See, for example, CSVr's 2011 report entitled *The Smoke that Calls: Insurgent Citizenship, Collective Violence and the Struggle for a Place in the New South Africa*. <https://www.csvr.org.za/docs/thesmokethatcalls.pdf>



to participate in formal local and national policy- or decision-making processes, only to find that their inputs are not engaged with by public officials or policy-makers in a meaningful way – that is, young people’s lived experiences and contributions are often not reflected in final policies or developmental agendas.

They call young people to validation workshops where often the ideas of young people are rejected or they accept it in the room but when the text comes out, no observations of the young people are considered. How do you want young people to relate to it?

(FGD, Mali)

Youth responses highlighted several challenges to youth participation and meaningful inclusion in decision-making spaces. Firstly, public participation in decision-making can often represent a mere tick on a checklist. It can be difficult to legislate or provide clear guidelines on the extent to which various stakeholders should be provided with opportunities to provide inputs or the extent to which policy-makers need to prove that they have consulted with and included the inputs of various stakeholders.

Youth responses highlighted several challenges to youth participation and meaningful inclusion in decision-making spaces

A second challenge is that policy influencing spaces do not occur in a social or political vacuum. The extent to which young people can participate in such spaces is curtailed by people who may feel their power threatened by these demands. Elderly members of liberation movements, academics and other elite actors are seen as sometimes protecting policy spaces from ‘disruptive’ demands that may reshape how problems are defined and what solutions are viewed as feasible. They also stand accused of protecting their patronage networks.

The obstacles and barriers are the elders who refuse to include the young people in the process.
(FGD, Mali)

Our elders are characterised by self-centredness. Through political parties, they give jobs to their

friends or family members. This is how leadership is shared among friends. What can you do against a bunch of cronies? Also, all political parties have a youth section. When it comes to studying major projects, young people are not involved in the decision-making process. Young people are manipulated because they are poor. You can ask them to kill their brothers, they’ll do it for a bit of money because they have nothing.

(FGD, Burundi)

Difficulties with participating or being included in such spaces are also influenced by other aspects of young people’s identities or realities – that is, ethnicity, gender, sexual orientation, language, educational status, socio-economic status and so forth. For example, a participant from South Sudan highlighted how young people’s socio-economic status can influence their participation in policy- or decision-influencing processes. Youth living in poverty may reasonably prioritise meeting their basic needs over participation, especially when such participation is perceived as futile or meaningless.

One of the hindrances is the economic crisis that we are facing. Youth are now much [more] focused on how to sustain their lives instead of focusing on political issues; so they leave aside participation in policy-making.

(FGD, South Sudan)

Participants highlighted how young women may experience additional barriers to participation. This included how gender roles and expectations may make it more difficult for young women to find themselves in such spaces or to have their voices heard or taken seriously. One such example included youth mentioning how many important meetings often took place in the evening. Social or gender norms dictated that it was not safe for women to be ‘outside’ when it is was dark or late at night. Subsequently, parents, partners or husbands did not support young women’s participation in such events.

Some of us are members of political parties. We sometimes participate in meetings and other activities. But when some important decisions are

to be made, meetings are held at night in hotels or other places when and where it is difficult for us to participate as young women who are living with our parents or husbands. This reality excludes us from some policy- and decision-making processes.
(FGD, DRC)

Participants highlighted how young women may experience additional barriers to participation

Coupled with this, another barrier to young women's inclusion was that of experiences of sexual harassment at or during policy- or other decision-making events. Whilst different spaces or contexts may recognise and take strong actions against such harassment, this form of gender-based violence continues to be normalised.

For us women, it is very difficult to participate often when it is done outside or far from the place of residence, so the incomprehension of the spouses or the families is a brake.
(FGD, Mali)

During missions or workshops, we are often harassed by men.
(FGD, Mali)

The intersection of age and gender as obstacles to inclusion are important both in terms of exclusion from policy processes and in terms of factors that shape how conflict and transitional justice impact on these groups.

Views on TJ and Opportunities for Participation in TJ Policy-making

During the FGDs and interviews, participants were provided with an opportunity to discuss various aspects related to TJ. This included how they understood TJ, their views of TJ processes that may have happened in their countries, their awareness of the AUTJP, as well as their perceptions of youth participation in TJ processes and policy-making.

Generally, youth were not familiar with the concept of transitional justice (TJ), though a minority appeared to speak or recognise TJ language. TJ processes that were most familiar to youth included that of truth

commissions, though references to judicial and non-judicial processes were noted. These included criminal prosecutions and memorialisation. Whilst some youth felt that TJ was gaining recognition in their countries, others felt that it was important for their governments, the AU and civil society to popularise and publicise TJ and the AUTJP.

This concept is still new and I think it should be made known to young people.
(Key informant interview, DRC)

Youth were also generally unaware of the AUTJP and its call for African youth to be included in all aspects or phases of TJ policy-making and processes. Youth agreed unanimously with this call, though felt that realising the promises therein were heavily dependent on political will and policy implementation. Many youth appeared to hold low levels of civic trust or faith in their government's intentions or desire to meaningfully include youth and fully implement TJ policies. A lack of meaningful inclusion and accountability for policy implementation contributed to many youth viewing policies as carefully written documents, full of good intentions, which are often not realised. Youth hoped that the AUTJP would not fall into this category.

The recommendation is good, but it should not be just a slogan. May there be a good policy that can turn the recommendation into a reality.
(KII, DRC)

Push the Government for its application. Pressure is needed on AU member states to implement this policy.
(KII, DRC)

Discussions also highlighted several benefits from greater youth inclusion in TJ as well as some of the challenges. One of the first benefits that youth highlighted related to the youth bulge. Youth constituted the highest proportion of people living in the respective countries and had often been the most directly affected by conflict, and thus stood to benefit the most from TJ processes.

Youth noted that although all generations had been affected by the histories of conflict in their countries, there

were also differences across generations. For example, youth in South Sudan felt that previous generations were at least able to receive or complete their basic education whereas the recent conflict in the country has denied many of the youth this opportunity. This and other consequences of conflict compounded or had longstanding, downstream effects on young people's lives, including greater difficulties in finding employment opportunities.

In the first war, the adults were already educated but young ones are denied the chance to go to school; so the youth were left behind. (FGD, South Sudan)

The youth felt that given their prevalence in their countries and their unique experiences, they could make invaluable contributions to TJ processes. Youth also held that their generation had great levels of energy and civic participation, with many young people being well positioned to champion TJ in their communities. Despite this, youth lamented how their lived experiences continued to be excluded and ignored. Youth questioned how meaningful justice and lasting peace could be obtained if those who were most affected, most likely to contribute to, participate in and benefit from policies designed for youth, were not involved in the design process.

If everyone says we are the future of the country, then why do we stand aside from the TJ processes? (FGD, Mali)

As noted in the youth inclusion in national policy-making themes, this exclusion is likely due to multiple factors. The first of these includes narratives around youth or youthfulness, which are embedded in social and cultural norms. In many countries, patriarchy positions elderly men as leaders or custodians of their families and communities. Educational status, socio-economic status, religion and other factors further position elderly men to speak on behalf of others and to be listened to with respect.

You see there is a bad culture in South Sudan, people are working according to age, even though you have ideas, the abilities but as long as you are not from 45 years you will not be involved because the politicians think that the youth are not

experienced, even in my community only elders talk but the youth are there only listening so this is what is in the government.

(FGD, South Sudan)

Some youth felt that their generation was less likely to be meaningfully included and more likely to have their economic vulnerability exploited for political purposes. This includes calling on youth to participate in protests or conflict as a means of creating political instability. Thus, those in power may be more likely to view youth as political pawns rather than partners or policy-makers.

In our country young people do not participate in policy-making. Rather, it is the old dads who participate, and when it comes to risky events these give way to the young.

(FGD, DRC)

Youth responses highlighted the various ways that they had been affected by conflict as well as how TJ needed to be more responsive to their priorities or needs. As noted, this includes recognising how young people's right to a basic education had been undermined by conflict, which had in turn influenced their ability to further their education, employment prospects or ability to earn a decent, living wage or income.

Mali must implement the employment policy by supporting youth initiatives.

(FGD, Mali)

Youth priorities or needs included the reintegration of child soldiers or children who lost their parents or caregivers during conflict, youth displaced by conflict, as well as the need to provide accessible mental health and psycho-social support (MHPSS) services to youth who had likely experienced multiple, complex traumas during periods of conflict and transition. Justice, reconciliation and reparations were also noted as important parts of healing.

Justice, because many youth have been affected so still there is anger in them. Another thing is reconciliation where victims and perpetrators come together with youth, education of the youth, employment, removal of guns from youth especially inter-communal fighting.

(FGD, South Sudan)

First, we need to bring out the politicised youth by bringing them out from armed conflict, youth need to be protected from political exploitation by selfish individuals, and they need vocational trainings.

(FGD, South Sudan)

An additional priority was that of ensuring that states protect rather than continue to violate young people's basic rights. These rights include those enshrined in the Universal Declaration of Human Rights or the AU's African Charter on Human and People's Rights. These include the freedoms of assembly, association, expression, and movement as well as the right to a decent education, healthcare and work.

The right to organise and mobilise as youth is both a key pre-requisite for effective youth participation in TJ policy-making, but is also a key goal that a youth-oriented TJ agenda would pursue.

Young people need a system in place that will ensure that young people come together and make their voices heard. Young people need to see existing youth structures revitalised.

(FGD, DRC)

Conclusion

This policy brief recognised that while TJ processes were becoming increasingly grounded or people-centred, there was a continued need to ensure that these processes were inclusive and reflected the lived experiences of those affected by conflict. The brief has highlighted that, in addition to being the most populace age group in Africa, youth were often also the most affected by conflict. Despite this, FGDs and interviews with youth from Burundi, the DRC, Mali and South Sudan, reiterated that youth continue to be excluded from policy- or decision-making spaces that shape national development and TJ processes.



Multiple barriers to youth inclusion were noted. The first of these included narratives surrounding youth. These narratives often framed young people as ignorant, hasty, lazy and dependent, and older, especially men, as wise, thoughtful and hardworking leaders. Gender represented an additional barrier to inclusion for young women, where gender norms expected women to be at home, silent and obediently responding to their families' needs. A lack of accountability for policy implementation was noted as a second major risk to youth inclusion and the achievement of justice. Despite some positive youth services, such as youth desks, youth councils or youth ambassadors, many youth displayed low levels of civic trust and expected that their inclusion and well-intended policies would not guarantee meaningful implementation and real change. It appeared that greater political will, accountability and youth empowerment are needed to foster more meaningful youth inclusion in national development as well as TJ policy processes.

Recommendations

The youth proposed several recommendations aimed at fostering greater youth inclusion in national and continental TJ policy-making:

1. **Publicise and popularise TJ and the AUTJP:** Many youth were not familiar with the concept of TJ or the AUTJP. Governments and regional actors need to make greater efforts to raise awareness around these documents and processes. This awareness-raising could take place over platforms such as television, national to local radio stations, social media, community events (workshops, arts, sport and cultural events), as well as through school curricula. Such processes need to draw on youth expertise and local knowledge regarding new and creative platforms for reaching youth audiences.
2. **Establish structures from local to national levels to facilitate youth participation in TJ policy processes:** Public participation processes have become a common feature of national TJ policy development, but have failed to reach out to key constituencies or take their voices seriously. A more targeted and transparent approach is needed to ensure that a broad range of youth voices and representatives are included in such official consultation processes. The AU has initiated platforms for youth leadership that can serve as a resource and a model for such representation.
3. **Ensure greater representation of youth in decision-making structures:** Youth noted that many decision-making spaces were dominated by elderly men and even when their input is heard it is too often just ignored. More scrutiny is needed to ensure that TJ policy decisions are taken by bodies that include youth representation or youth quotas.
4. **Skills development, transfers and mentorship:** Youth recommended creating opportunities such as internships, placements and mentorships that could develop young people's familiarity with some of the technical aspects related to TJ policy and implementation. Having youth as the designers and facilitators of transitional justice will be a critical step in making such processes more responsive. Transitional justice training that is offered by various institutions on the continent need to provide expanded opportunities for youth.
5. **Challenge discourses and norms that perpetuate youth exclusion:** The broader context of discourses and norms that perpetuate youth exclusion, and which are still perpetuated within policy-making bodies, need to be confronted. The AU, African states and African youth should work together to develop material that promote a more critical consciousness and challenge pathologising narratives that legitimise youth exclusion from decision-making in relation to transitional justice.
6. **Ensure accountability for policy implementation:** The youth noted that the most well-written and best-intentioned policies mean absolutely nothing if there is no political will to implement them. Youth engagement cannot be confined to once-off consultations. Accountability to youth would need to be sustained through ongoing engagement with such processes through transparent implementation and more effective channels for critical engagement and advocacy.

The African Union would also need to expand its involvement, from helping shape youth consultation to also ensuring implementation in a way that ensures youth accountability.

7. **Recognise the multiplicity of needs and perspectives among youth.** Gender differences (and other forms of diversity) among youth lead to very different experiences of conflict and different needs relating to transitional justice. Consultation

processes thus need to ensure effective gender inclusion within this sector.

8. **Address gendered obstacles to participation in TJ policy processes:** Participants noted that the types of spaces, times allocated to policy processes and hostile attitudes can exclude young women. Policy processes need to address these factors more directly to ensure full and free participation of young women.

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ABOUT THE CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION

The Centre for the Study of Violence and Reconciliation (CSVr) is a non-governmental organisation which envisions societies that are peaceful, equal and free from violence. CSVr aims to understand and prevent violence, heal its effects and build sustainable peace at the community, national and regional levels. We do this through collaboration with and learning from the lived and diverse experiences of communities affected by violence and conflict to inform innovative interventions, generate knowledge, shape public discourse, influence policy, hold states accountable and promote gender equality, social cohesion and active citizenship.

ABOUT IMPUNITY WATCH

Impunity Watch is a non-profit human rights organisation dedicated to ending impunity for severe violations of human rights, especially in countries emerging from a violent past. We analyse, advocate and partner to help local communities seek accountability for gross human rights abuses and for systemic injustice. In our work, we adopt a bottom-up, participatory, and context-informed approach, and support victims and survivors in exercising their rights. Our work is legal, social, and political. Impunity Watch began its work in 2004 in response to calls from Guatemalan human rights groups for greater support in their struggle for redress after the internal armed conflict of 1960–1996. It was registered as an independent foundation in 2008 in the Netherlands. Today, Impunity Watch works in a wide range of countries and has offices in Burundi, Guatemala and the Netherlands.

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