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FELLOWSHIP

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PROJECT

Victim Participation in Transitional Justice Processes and the Localizations of Human Rights

The question of how human rights matter for the most disenfranchised rights-holders has been on the agenda of academics and policy-makers for decades and has become even more prominent due to the growing importance of actor-centred approaches in the field of human rights. Authors like Nyamu-Musembi (2005), Merry (2006) and Goodale (2007) have argued that, for international human rights norms to be locally relevant, they need to be framed in ways that resonate with the cognitive and cultural frameworks of local rights-holders. At the same time, authors like De Feyter (2007), Ore Aguilar (2011) and Vandenhole (2014) have expressed themselves in favour of greater participation of rights holders in the process of human rights norm-setting.

One of the ways rights-holders in post-conflict societies often have their first encounter with the international human rights system is through their participation in international criminal proceedings or through their participation in the mechanisms that are implemented in the context of the transitional justice process more generally. Many transitional justice processes pride themselves on being genuinely place-based and responsive to local needs, and one could ask whether the approach and processes of transitional justice also hold the key for rendering the broader human rights architecture more locally relevant.

My research looks at the case of Cambodia - which was in many ways an experimental laboratory with regard to victim participation - and asks whether drawing people into the human rights architecture under these circumstances indeed has the potential to lead to a more locally relevant formulation of human rights and to rights holders' access to justice more broadly. I examine whether, in this case, the role, scope and implications of victims' participation in these human rights-based processes has affected victims' understanding of, and engagement with, social, economic and cultural rights in their struggle for social and economic justice in the post-conflict period.

Recommended Reading

Destrooper, Tine. "Responsive Planning in Development Interventions: Consulting Rights-Holders in the Sanitized Villages Programme in Kongo Central." *Development in Practice* (forthcoming Spring 2016).

- "Linking Discourse and Practice: The Human Rights-Based Approach to Development in the Villages Assainis Project in the Bas-Congo." *Human Rights Quarterly* (forthcoming Summer 2016).

- "Reconciling Discourses on Women's Rights: Learning from Guatemalan Indigenous Women's Groups." *Journal of Human Rights Practice* 7, 2 (2015): 223-245.

The Future of Dealing With the Past

Describing "Transitional Justice" as "the field of studies that deals with justice in societies going through a transition" probably doesn't seem very venturesome. Yet, both the notion of "transition" and the notion of "justice" are highly contested: transition from what to what? And how are we to conceptualize justice in societies that are in a state of exception? Initially, the former question was usually answered by referring to the "war -> peace" transition. Gradually however, transitions from authoritarian to post-authoritarian regimes also came to be considered by this field of study. And today even internal wars caused by global inequalities, injustices perpetrated by settler states, and ongoing civil conflicts are considered under this banner.

In regard to the question of what justice is, the answer has traditionally been a highly legalistic one: bringing former perpetrators to justice through formal criminal justice procedures is considered a crucial part of any transition.

International, national, and hybrid courts have been established around the world to deal with war crimes, human rights violations perpetrated by predecessor regimes, and evil pasts in a most general sense.

As you may have noticed from reading the recent news on the International Criminal Court, though, (to give just one example), not all countries are that convinced anymore that the old paradigm of transitional justice is the most relevant one: one country after another is withdrawing from the Court. And as you may also have noticed, the results of some recent transitional justice interventions in post-conflict contexts like South Sudan are ambiguous - to say the least.

This is the reality transitional scholars (and practitioners) are facing: because an increasingly broad range of contexts is considered under the umbrella of "transitional justice", and because the capacity of major legal institutions to deliver justice has been oversold, the existing mechanisms and institutions of transitional justice are not proportional to the increasingly broad scope of the endeavor. Hence we are faced with two options: (a) scale down the transitional justice project or (b) rather than retreating to a more minimalistic version of what transitional justice can do, develop a new terminology and new institutions, a new paradigm that is more enthusing, more mobilizing, and, not unimportant, more in line with the demands of local rights-holders.

Destrooper, Tine (London,2018)

Gender-aware and place-based transitional justice in Guatemala : altering the opportunity structures for post-conflict women's mobilization

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=168851497X>

Destrooper, Tine (2018)

Gender-aware and place-based transitional justice in Guatemala : altering the opportunity structures for post-conflict women's mobilization

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1048923045>

Destrooper, Tine (2018)

Accountability for human rights violations in Cambodia : mapping the indirect effects of transitional justice mechanisms

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1048668851>

Destrooper, Tine (2018)

The stories we tell victims : victim participation and outreach programs at the extraordinary chambers in the courts of Cambodia

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1041120664>

Destrooper, Tine (2018)

The performance of justice? : scenic anthropology and the role of victims in courtrooms

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1040565220>

Destrooper, Tine (2017)

A praxis-based understanding of new duty bearers examining contextual realities in the DRC

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1040837069>

Destrooper, Tine (2016)

Uprooting the curious grapevine? : the transformative potential of reverse standart-setting in the field of human rights

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=870916750>

Destrooper, Tine (2016)

Responsive planning in development interventions : consulting rights-holders in the sanitized villages programme in Kongo Central

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=870914723>

Destrooper, Tine (2016)

Linking discourse and practice : the human rights-based approach to development in the Village Assaini program in the Kongo Central

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=869922890>

Destrooper, Tine (Antwerp,2015)

An analysis of the human rights-based approach to development : UNICEF's role in the Villages Assainis program in the Bas-Congo

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=871020491>

Localizing human rights working paper series ; 2

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=871020491>