

# SPOTLIGHT ON R2P



Asia-Pacific Centre for the  
Responsibility to Protect



ATENEO DE MANILA  
UNIVERSITY  
SCHOOL OF  
SOCIAL SCIENCES



## Executive Seminar on Gender and Transitional Justice

16 November 2022

### Introduction

On 16 November 2022, the Ateneo de Manila University Department of Political Science, in cooperation with the Asia Pacific Center for the Responsibility to Protect (APR2P), and with the support of the Spanish Agency for International Development Cooperation (AECID), organized the Executive Seminar on Gender and Transitional Justice. The Seminar was held in EDSA Shangri-La Hotel Manila, Philippines, and was attended by 39 participants from four (4) groups of government agencies: (1) the member agencies of [the Inter-Cabinet Cluster Mechanism on Normalization \(ICCMN\)](#) (a multi-agency body tasked with consolidating and integrating the interventions of the national government in line with the normalization phase), (2) the member agencies of the National Steering Committee on the [National Action Plan on Women, Peace and Security \(NAP WPS\)](#), (3) agencies of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and the Cordillera Administrative Region, and (4) other government agencies that do work on transitional justice. The Seminar was the culminating component of a four-part project, Surfacing Narratives Towards Transitional Jus-

stice in the North and South: Weaving Women's Voices – a Memory Project in Aid of Developing Transitional Justice Interventions. The other components consisted of narrative documentation (the research component), knowledge sharing (the visual/exhibit component), and solidarity building (the dialogue component). This Seminar (the training component) aimed to not only mainstream gender in transitional justice, but also to integrate transitional justice in women, peace and security interventions. It also aimed to enhance the capacities of duty bearers in transitional justice and to enable them to craft gender-responsive transitional justice programs.

### Seminar Summary

Executive Director of the Office of the Presidential Adviser on Peace, Reconciliation, and Unity (OPAPRU), Susan Marcada, relayed the opening message of the Presidential Adviser, Secretary Carlito Galvez, Jr: **Transitional justice and reconciliation (TJR)** is the heart and soul of the peace process and **Normalization Program** under the Comprehensive Agreement on the Bangsamoro (CAB) – a strategy to promote healing and reconciliation among Bangsamoro communities affected by armed con-

flict. It is made possible by the social movement of women advocates, who pushed for the inclusion of TJR, without which the unaddressed memories of the past will continue to haunt victims and impede the road to recovery. The best way to make perpetrators accountable and to ensure non-recurrence, is to implement TJR measures. Only then can genuine peace and reconciliation be brought not only to the people of BARMM, but throughout the region.

Robert Francis Garcia, Project Manager of the Weaving Women's Voices project and head of the Commission on Human Right's [GOJUST II](#) Technical Assistance Team, lectured on the basics of transitional justice (TJ), which is defined by the UN as the "full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale abuses committed in the past, in order to achieve accountability, serve justice, and achieve reconciliation". TJ consists of five (5) pillars: (1) the **right to truth**, (2) the **right to justice**, (3) the **right to reparation**, (4) the **guarantee of non-recurrence**, and (5) the **right to memorialization**. When done effectively, TJ can contribute to atrocity prevention, however, when

TJ fails atrocities can recur. There are several TJ initiatives that exist worldwide. One example includes the Guatemalan Human Rights Ombudsman's investigation of [desaparecidos](#), among many others. The Philippines is an early adopter of TJ. After the end of the Martial Law period under Ferdinand Marcos, Sr., the Philippines experimented with TJ. However, there were many gaps in its implementation. Not only was there a lack of punitive action and accountability, corruption, inequality, and armed conflicts remained unresolved. While the communist insurgency still rages, the Moro insurgency is much closer to peace through the CAB and Transitional Justice and Reconciliation Commission (TJRC). However, both are still long works in progress.

Dr. Ma. Lourdes Veneracion-Rallonza, Executive Director of the APR2P-Philippine Office, discussed the **pillars of TJ and integrating gender**. The state is obligated to ensure that the right of victims and their families to truth are fulfilled. However, there are several **kinds of truth**: (1) factual/ forensic (based on evidence such as bones and mass graves), (2) subjective/ narrative (based on the stories of the victims), (3) social/dialogical (based on dialogue among different levels of society) and (4) healing/restorative (the truth after dialogue and reforms are created). Truth is important as it not only safeguards against impunity but also aids in identifying the root causes of impunity. Truth seeking may be official (state-led) or unofficial (led by non-state actors such as the victims). The **right to justice** involves the state's duty to prosecute and punish perpetrators, with the victim's participation. The **right to reparation** involves the duty of the state to provide reparations and redress victims and their family. In fulfilling this right, a victim-centered approach (taking into account the victim's emotional, informational, and practical needs) must be used. As such reparation can be restitutive (re-establishes the status quo before the wrongdoing), compensative (measures that seek to make up for harm done), rehabilitative (measures that provide social, medical, psychological, or legal care), material (such as money) or symbolic (such as official apologies). Finally, the **guarantee of non-recurrence** refers to the

societal re-engineering necessary to guarantee the non-recurrence of the wrongdoing.

A **gendered** approach to TJ is necessary. Gender sensitivity in the context of violence involves an active understanding of how different victims may be impacted different because of their gender. In integrating gender in TJ, a gender lens must be present at all stages: in the design, planning, and implementation. To illustrate, a gendered approach to the right to truth involves a difference in the analysis and specificity of violence committed against men and women while a gendered approach to the right to justice involves the non-re-victimization of victims of sexual violence. As part of the guarantee of non-recurrence, structural violence against women can be countered by the internalization of gender equality.

In a [report published in 2020](#), the UN declared the right to memorialization as the fifth pillar of TJ—a right which includes the obligation to “adopt memory processes and ensure non-regression”. Marian Pastor Roces, art curator and founder of [TAO Inc.](#), explained this **fifth pillar** in relation to the **curation of memory**. The practice of curation refers to the practice of **constructing a narrative with the use of objects and space**. At its highest form, it is an ethical practice that involves questions such as: “Whose story does this exhibit tell? Why is it important? Who says it is important? What stories are lost if this one is told?” And, most importantly: “Who gave us the right to choose what to forget and what to remember?” A curator is not a marketing agent. A curator tells a story they think is important to society.

Curation is deeply associated with history. Although history is **not objective**, it is **evidence-based**. It cannot stand on imagination alone but a **trained critical imagination, who constructs history based on rigorous standards**. To illustrate this point, Roces shared the process used to create the knowledge sharing component of the project—an art exhibit titled [Weaving Women's Words on Wounds of War](#)

(WWWWW). The exhibit was created with six communities of women who experienced different forms of human rights abuses during the Martial Law period under the Marcos, Sr. regime. Each community chose to remember their experiences in very different ways. The women of Palimbang, Sultan Kudarat chose to make their installation a memorial stone, containing the thousand names of those who were massacred. Meanwhile, the Sama women of the Sulu archipelago chose something that would convey their feelings of being erased: an imprint of a banig—a handwoven mat, on a layer of cornstarch on the ground. Another community, the women of Lake Sebu and T'Boli, chose not to share certain parts of their stories, which is reflected in the way certain parts of it (which is printed on long strings) are tied and concealed from view. Roces warned that narratives constructed with human rights in mind, cannot be mixed up with marketing and political campaigns. Similarly, narratives built on incomplete research and analysis is easily surrendered to vested interests. Narratives built on behalf of victims are also problematic as they can be overly inflected into victim narratives. Rather, the right to represent victims should be earned and carefully examined for possible imposition of one's own biases. With these in mind, **a balancing of narratives built on comprehensive research and deep analysis is essential**.

### Workshop Summary

After the lectures, the participants then watched a short film on the Palimbang Massacre. They were then asked/ tasked with the following:

1. In the context of the Palimbang Massacre, what TJ pillar should be prioritized?
2. Why should that pillar be prioritized? and
3. Discuss the process, activity, and target output for the pillar that you chose.

The participants then separated into groups of their chosen pillar.

The **right to truth group** (which consisted of representatives from OPAPRU, the Bangsamoro Women's Commis-

sion, and the Philippine Women's Commission), shared that baseline data needs to be gathered. They suggested the following activities: (1) a scoping mission of affected populations (with data disaggregated by sex, religion, age, etc) followed by vetting and consultation with the government, including the security sector, (2) the setting of a gender and culture-sensitive research design, and (3) the documentation of collective narratives and a consolidation of informal reports, among others.

The **right to justice group** was made up of representatives from OPAPRU, the Commission on Human Rights, the Bangsamoro Human Rights Commission, the Department of Justice, the National Intelligence Coordinating Agency, the Department of Budget and Management, and the Department of Foreign Affairs. The group emphasized the importance of legal justice, access to legal remedies, accountability, and the recognition of the state of the atrocities. Unfortunately, the Human Rights Victims Claims Board provided incomplete justice as it does not apply to atrocities that occurred before the martial law period. Instead, the group suggested an exploration of the possibility of using [Administrative Order No. 35](#) to prosecute perpetrators (although there are legal obstacles such as the non-retroactivity of laws and prescription). The group also suggested a review of existing laws that could enable prosecution, and if none—whether it would be possible to do so with new legislation.

The **right to reparation group** (made up of representatives from OPAPRU, the Department of Labor and Employment, and the Technical Education and Skills Development Authority) focused on the rehabilitative aspect of reparation. They shared that existing livelihood, employment, and training programs under their agencies can be made better by integrating gender. They also suggested that these trainings and scholarships be specifically offered to victims, survivors, and their families in order to normalize and transform their lives. They also suggested the issuance of a policy that would bind implementing partners (specifically the local government units) to implement programs for survivors and victims.

The group for the **guarantee of non-recurrence** was the largest, and was made up of representatives from the OPAPRU, the Department of Education, the National Economic and Development Authority, the Department of Information and Communications Technology, the National Housing Authority, and the Department of National Defense. The group highlighted the importance of involving women and those from diverse social groups in policy-making. In terms of social healing and peacebuilding, agencies such as the OPAPRU already hold trainings on gender and development and women, peace and security. Conflict Sensitivity and Peace Promotion with the Armed Forces of the Philippines is also being done. Inter-agency coordinating committees that focus on livelihood, peace and order, etc. also already exist. However, all these must be effectively monitored and evaluated and a well-documented, digitalized system should be created.

Finally, the **right to memorialization** group (made up of representatives from the OPAPRU and the Human Rights Violations Victims' Memorial Commission) shared their existing efforts for the current administration to commemorate the 50th anniversary of the massacres and include victim stories. The group then suggested that the mass graves be exhumed (with the permission of the community and religious leaders), so that they may given proper burials. The group also emphasized the time-sensitive nature of the task of memorialization, as they should be done while the remaining victims are still alive.

### Closing

To end the Seminar, Dr. Rallonza reminded the participants of the importance of a context-based gender lens in all the pillars of transitional justice. She also emphasized the importance of not only thinking about what is currently being done, but also what could be done by the government to further these pillars.

## ASIA PACIFIC CENTRE FOR THE RESPONSIBILITY TO PROTECT

Building 39A

School of Political Science  
& International Studies

The University of Queensland,  
St Lucia Brisbane QLD 4072

P +61 7 3346 6435

E: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)

W: [www.r2pasiapacific.org](http://www.r2pasiapacific.org)