

Exploring transitional justice in educational research

Background paper

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About JustEd

JustEd is an international comparative mixed methods study that explores the lived experiences of secondary school learners of environmental, epistemic and transitional justice. We produce insight into how learner experiences translate into actions to advance Sustainable Development Goals 13 (Climate Action) and 16 (Peace, Justice and Strong Institutions).

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Abstract

This paper provides an overview of the development of transitional justice as a field of practice and area of scholarly research before exploring the relationships between education and transitional justice. It has been drafted by members of the JustED team to provide background into one of the types of justice – transitional justice – that the project focuses on.

In developing this overview, the paper outlines key elements of the approach that the JustED will take to understanding and engaging with transitional justice, including by arguing for a focus on transformative, reparative transitional justice that includes material, symbolic and pedagogical actions to redress the wrongs of the past, including those linked to colonial, imperial and capitalist oppression and extraction.

The second half of the paper introduces the historical and contemporary context for transitional justice in the focus countries of JustEd – Nepal, Uganda and Peru. We show how the transitional justice has developed in each country, to differing degrees, and suggest some of the ways that JustED will particularly focus attention on aspects of transitional justice in education and from young people's perspectives.



Dominant approaches to transitional justice

Transitional justice is a field that has developed both in international law and practice and as an area of scholarly research. We begin by reviewing dominant definitions of transitional justice as articulated by international agencies shaping its practice, before moving into a discussion of dominant approaches to researching transitional justice and their insights.

The United Nations defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”. Transitional justice “consists of both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reforms and national consultations” (UN 2010, 2). The International Centre for Transitional Justice (ICTJ) founded in 2001 on the impetus of the Ford Foundation supports and researches transitional justice initiatives around the world. ICTJ defines transitional justice as “the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response”. ICTJ explains that “[t]he aims of transitional justice will vary depending on the context, but these features are constant: the recognition of the dignity of individuals, the redress and acknowledgement of violations, and the aim to prevent them from happening again” (ICTJ 2021).

Taken together these definitions drawn from the international practice of transitional justice highlight its framing as exceptional (beyond the work and capabilities of the ‘normal justice system’), linked to democratization, and by extension, to liberal processes of peacebuilding (Arthur 2009; Sriram 2007). They also outline the processes which are considered to contribute towards or make up transitional justice, including primarily prosecutions, truth telling and reparations, but also encompassing apologies, memorialisation, and localised processes of justice and repair, among others. The ‘transitional justice database project’ (2012), covers the period of 1970 to 2012 and includes data from human rights prosecutions, truth commissions and amnesties as part of 109

‘democratic transitions’ in 89 countries. It illustrates both the prevalence of transitional justice initiatives since the 1970s and their conceptual affiliations with processes of democratization and transition.

Scholarly research on transitional justice has emerged across a range of disciplines. Law, human rights, international relations, philosophy, sociology and politics all now include decades of research and theorisation around transitional justice. Transitional justice has also been the focus of research in the arts and the humanities, in fields like memory studies that have grown in parallel, and in education. The International Journal of Transitional Justice, founded in 2009, reflects this interdisciplinarity in its articles. It is impossible to summarise all of the rich research on transitional justice here, so instead we seek to provide a broad picture of foci and approaches within it, including areas of debate and of theoretical divergence.

One thread of research historicises the emergence of transitional justice, tracing continuity and changes in the normative commitment to ‘never again’ initiated with Nuremberg trials following the end of the Second World War, the post-Cold War transitions in the former Soviet world, and the end of authoritarian regimes in Latin America in the 1990s, when the term transitional justice first emerged and up to the present day (e.g. Teitel 2000; Arthur 2009; Bell 2009). Some research in this area conceptualises transitional justice as part of a wider ‘justice cascade’ (Finnemore and Sikkink 1998) that installed democracy and human rights norms internationally as well as in a growing number of nation states in the post-Cold War period (Sikkink 2017). More critical research explores the power relations and inequalities driving this ascendancy which not only reflects and installs Western norms, but serves Western interests (Sriram 2007; Lambourne 2009; Manning 2017). Scholars point to the narrow conceptualisation of democratization via legal and state-centred means within transitional justice initiatives (Sriram 2007) and conceptualise transitional justice as an imperial or colonial project (Turner 2008).

Another thread of research explores the impact of transitional justice. This includes macro-studies like the transitional justice database (2012), mentioned above, that aims to document all transitional justice initiatives over its time period and explore trends across them, resulting in over 40 publications, and qualitative and ethnographic

case studies that explore particular transitional justice initiatives at country or community level. The macro-studies offer somewhat contradictory evidence, with scholars like Sikkink (2017) finding 'evidence for hope' in the ways that transitional justice processes contribute to 'making human rights work', while others find inconclusive evidence of transitional justice producing "either beneficial or harmful effects" (Thoms et al. 2010, 4). Others argue that transitional justice has had largely negative impacts, both in its failure to deter further conflict and violence and in its failure to improve lives and societal relations, especially for victims of conflict, while raising false expectations of peace or substantive change (David 2020). Case study and ethnographic research highlights tensions and complexities, including around the cases and mechanisms that serve as iconic illustrations of transitional justice 'success' like the South African truth commission (Christie 2000).

Research on localised approaches to transitional justice seeks to expand the repertoire of the transitional justice imagination, often confined to what McEvoy (2007) describes as a 'distinguishable transitional justice template' of mechanisms described above. These studies draw attention to processes like the gacaca trials in Rwanda (Clark 2010) and explore processes to mend relationships, foster coexistence and negotiate processes like punishment and forgiveness outside of legalistic and internationalised framings. Another example of this comes from Northern Uganda where, historically, conflicts are resolved in Acholi by different Councils of Elders depending on the severity of the crime committed at different levels (such as, family, clan, interclan or intertribal) (Baines 2007). Usually, crimes committed against a clan, or interclan feuds resulting in serious injuries or intertribal killings require compensation, are resolved by the Council of Elders that are answerable to the traditional chief (ibid). The crimes, which are at times accidental or purposeful, and compensation are determined in line with the cultural laws, and the victims and perpetrators of the crime are reconciled through relevant ritual ceremonies (Finnström 2008). The ceremony, which is referred to as 'mato oput' (drinking the bitter root), is a voluntary, an independent and a transparent process that help to re-establish relationships between the disputing parties (Anyeko et al. 2012). The parties bring food and drinks, which are shared during the ceremony, to seal their reunion and pact (ibid). One of the

highlights of the ceremony is drinking the 'oput root', blended with a local beer known as 'kwete', indicates that both parties are willing to forgive and able to forget the bitter past (Baines 2007). The other highlight of the ceremony is the spiritual ruling on who, among the victim's family, should be given the best part of the compensation. The compensation is, in turn, used for bride service and the conception of a child usually named after the deceased victim (ibid). This formally completes the reconciliation process in Acholi.

This type of localised practice has been critiqued by Russell for being reconciliation "more akin to thin reconciliation which involves only coexistence, rather than to a thick reconciliation process that involves true introspection and forgiveness" (2020, 180). On the other hand, Quinn has argued that

while the more formalized Western models often allow for only one form of justice - retributive, restorative, or reparative - these traditional institutions seek to combine various of these and other elements in keeping with the values of the community. (2005, 10)

In her attempt to move beyond the polarised debate between traditional and modern transitional justice, Lambourne (2014) suggests a hybrid approach to transitional justice. This syncretic model, referred to as transformative justice, combines indigenous customary practices and modern global transitional justice mechanisms. What is clear is that these studies challenge the legalistic approach to transitional justice that often dominates approaches led by Western transitional justice models underpinned by international human rights law and trials (Lederach 2003, Lundy 2011, Komakech 2012) as do studies and practices around memory, creative practice and transitional justice. These tend to start with an interest in victims and survivors of violence and human rights violations and the ways in which they engage with these in the past and present, with an attention to healing, the generation of counter-narratives and the struggles to see these represented in public discourse, including in the narratives generated by formal transitional justice processes (e.g. Jelin 2007; Sanchez 2013).

Finally, we draw attention to important shifts in transitional justice practice and research in recent years. A first shift is the increasing calls for and practices of transitional justice in settler colonial states like Australia, Canada and, most recently, the United States, and in parts of Europe. In 2008

both Australia and Canada offered apologies on behalf of the state to indigenous peoples for the removal of indigenous children and to former students of Indian residential schools, respectively. Canada subsequently held a Truth and Reconciliation Commission (from 2008-12) into the experience of residential schooling (Logan 2016). These initiatives have been deemed partial and do not fulfil the aspirations for justice and repair articulated by indigenous communities in, for example, the Uluru statement from the heart (2017). Nonetheless, they, along with growing calls for truth and reparations for the violence and enduring harms of the enslavement and colonialism, help to destabilise transitional justice as a tool for liberal peacebuilding and development, led by international 'best practice' from the north with a gaze focused only on the south. New visions of transition, justice and the sites of where change is needed are being demanded by movements around the world.

This attention to the global, geopolitical dynamics of power and injustice, with linkages to racial capitalism and histories of colonialism is also present within calls for transformative transitional justice. Scholars and activists working to develop this concept call for more epistemically and ontologically rich and diverse forms of transitional justice, that connect with and build upon localised and contextually specific practices in locally appropriate ways (e.g. Komakech 2012). Transformative transitional justice is also linked to positive peace and therefore requires truth telling about and redress and repair of structural and systemic forms of violence and injustice in addition to the focus on physical, direct violence and human rights violations to which transitional justice is often traditionally limited (e.g. Lambourne 2009; McEvoy 2007). For JustEd, these points are important and lead us to a wider focus on transitional justice than the definitions offered by the UN and ICJT (which still form an important starting point).

For JustEd therefore, transitional justice includes:

- Attempts by societies to come to terms with past large scale human rights abuses and structural and systemic violence, including histories and legacies of colonialism, imperialism and oppression and extractive and exploitative capitalist expansion;
- Processes to recognise the dignity of individuals and groups, acknowledge past violations and injustice, repair and redress the

effects and legacies of past violations and ensure conditions such that injustices do not recur;

- Efforts towards positive and sustainable peace that take the past into account, include creative processes, memorialisation and memory and truth initiatives at a range of scales from the international to the community/local level.

Existing research on transitional justice and education

These definitions of transitional justice foreshadow a number of connections with education and indeed research in this area has grown considerably in recent decades. In this section we provide a brief overview of existing research on transitional justice and education and highlight points of importance for JustEd. We begin with a focus on formal education and formal transitional justice processes and in showing how these have often been inadequate, expand to show the important roles of non-formal learning and informal educational spaces, social movements and civil society led processes and opening space for dialogue and change towards more reparative and transformative visions of transitional justice in the present and future.

We acknowledge the double tendencies or ambiguity that education and curriculum possess. First, education and curriculum, can be considered as sites for hegemonic values and practices that fuel injustices, conflicts and violence. On the other hand they are a site for intense politicization, with State domination of narratives and practices in public spaces. It is in this capacity to be manipulated, to contribute to conflict and violence, or do nothing to prevent it, that we appreciate the significance of reflecting and interrogating whether education and curriculum is conflict sensitive or if reforms have been made to avoid reproducing contents that in the first place contributed to injustices, conflicts and violence (Bentrovato 2015, 31). On the other hand, they can be seen as a site for transformation in the social, economic, political, cultural and moral spheres (ibid, 26). Consequently, this double tendency is precisely the motivation for us to look closely at education and its intersections with transitional justice.

In a recently published edited collection on transitional justice and education, Ramirez Barat

and Duthie capture how education has in recent years become part of the interest and arsenal of transitional justice actors:

education as a sector is also uniquely positioned to make a substantive contribution to the repair, reconstruction, and redress of inequalities, divisions, and, in the spirit of transitional justice, political repression and human rights violations. While many transitional justice measures are temporary and focus on the first generation emerging from conflict, education is the only sector that simultaneously reaches both that generation and the subsequent ones, who become increasingly responsible for nurturing and protecting civil society and, in some cases, democracy and democratic institutions. (2017, 15)

Davies describes this as the “dual gaze” (2017, 334) of education, a space capable of looking back, through its teaching of the past, and forward, via its shaping of young people who will create futures. Davies calls for a ‘justice sensitive’ education in order to ensure this dual gaze enables the overcoming of past injustice in the futures constructed. Bellino et al. (2017) argue that by envisioning education itself as process of transitional justice, space might be opened for these profound transformations, which as suggested by the double tendencies of education introduced above, require the transformation of education and the ways in which it has constructed, contributed to and reproduced injustices and inequalities. In her book, *Becoming Rwandan*, Russell (2020) describes how a new Rwandan identity for a new Rwandan generation was created by the government through education, which is one of the transitional restorative mechanisms commonly used. She also uncovers, through the voices of teachers and students, the contradictions between the curriculum taught in schools and the actual feelings of Rwandans. She uses the word ‘decoupling’ to argue that

(the) intended policies are not always implemented in the schools, and where the policies when implemented produced unintended consequences that are not aligned with the broader objectives of the regime’s peacebuilding project or its desire to maintain power (20)

As Russell’s (2020) study demonstrates, while the theoretical articulation of visions of a transformative education for transitional justice is becoming more common, the practical articulations of the relationship between education and transitional justice tend to be more instrumental. Education is often an after-thought for transitional justice actors, with policymakers, teachers and students engaged only at the beginning and/or towards the end of a formal process in order to help spread the word or share findings (Ramirez Barat and Duthie 2017). A 2017 analysis of truth commission engagement with education found that commissions increasingly include education in their work. Truth commission mandates have expanded beyond violations of political and civil rights to include explorations of the causes of conflict and structural forms of violence and education is often explored for its role in entrenching inequalities (Paulson and Bellino 2017). The review finds that while some truth commissions did direct their backwards gaze towards investigating education and its complicities in conflict and injustice and some did make recommendations for educational reform as part of their final reports, many commissions do not explore the need for transitional justice in education or make recommendations to pursue it (ibid).

In material ways as well as in educational policy, however, there is limited evidence to these recommendations or other transitional justice mechanisms such as reparations implemented in education having tangible or transformative effects. Truth commission recommendations have only been selectively and partially implemented in Guatemala (Bellino 2015; Oglesby 2007), Peru (Paulson 2017) and Sierra Leone (Paulson 2006) and calls for structural transformation to address inequalities in funding and quality of education for disadvantaged regions or groups have largely gone unimplemented.

Recommendations for material reparations via education (e.g. scholarships for victims and/or their family members) were more common in earlier truth commissions than in more recent ones and again the implementation record for these is not good (Paulson and Bellino 2017). The importance of symbolic reparations in education is currently alive in many university and school settings around the world, where statues celebrating colonialists and slave traders are being pulled down and students are demanding changes to the names

and logos of institutions. These calls are often accompanied by wider campaigns for divestment and repair beyond the symbolic.

Truth commissions often recommend the teaching of human rights, citizenship and of their final reports and the injustices they have investigated. In some instances, materials have been created based on truth commission reports (ibid). For some the clearest linkage between transitional justice and education is via teaching about the violent past and its potentials to contribute to the 'never again' message of transitional justice (Cole 2007). There is scholarly debate over the pedagogical approaches most suited to history teaching about violence and injustice, with enthusiasm among some transitional justice researchers for the disciplinary approach to teaching history, which provides students with the skills of historians to evaluate sources and arrive at historical narratives on the basis of evaluating evidence (e.g. Stearns et al. 2000; Moje 2007), while others see the transitional justice moment as an opportunity to produce a new 'usable past' narrative that might reconcile past differences by explaining the causes of conflict and charting a more harmonious and unified future narrative (e.g. Cole 2007). Of course, there is a danger of bookending historical injustices as discrete events, however. Teaching of history can also be, as Russell (2020) shows, centred around lived realities and perceptions that can serve as a sound basis to support the data accounting for multigenerational experiences with violent pasts. Scholarship exploring racial injustice, legacies of colonialism and transitional justice in settler colonial states raises questions for both the disciplinary and 'usable past' approaches, pointing to the epistemological and ontological limits of western historiographic and collective memory approaches (e.g. Komakech 2012; Keynes 2019) and exploring possibilities for working with multiple and marginalised historical narratives in ways that might be reparative of the epistemic injustice that previously excluded or marginalised these historical accounts (e.g. Sriprakash et al. 2020; Sanchez Meertens 2018).

Memory studies approaches offer an important perspective to the debate around pedagogical approaches to understanding past injustices, acknowledging the interaction of everyday learning in families, neighbourhoods, formal and informal heritage sites, arts and media with school-based practices of identity and cultural production (e.g. Paulson et al. 2020). Pedagogical approaches

grounded in an historical memory approach work from the creative construction of memory and its artefacts in order to approach the past emotionally and affectively (Corredor et al. 2018; Zemblyas and Bekerman 2008) raising questions about the kinds of learning most valuable for overcoming injustices and constructing more just futures.

This brief summary of research around transitional justice, memory and education suggests some orientations for JustED's approach, particularly an attention:

- The instrumental versus transformative use of education as a vehicle for the messages of other forms of transitional justice (e.g. to disseminate truth commission findings or raise awareness about a criminal tribunal) or as a site where justice-oriented transformations need to occur;
- The ways of approaching teaching about the past in, but not limited to, history education, including via collective memory approaches, disciplinary approaches, working with multiple narratives, or creative approaches that decentre western epistemologies and/or draw on memory studies and/or affective approaches; and
- Material, symbolic, and pedagogical forms of repair in education and the ways these are oriented towards overcoming past injustice.

In JustEd, we bring to the fore the complexity in the curriculum landscape, making it a site of entanglement and numerous battles. The intention is not to merely privilege tensions but rather, to critically as opposed to simplicity, re-root transitional justice. We are exploring these issues in Nepal, Peru and Uganda. These are countries with complex historical, recent and ongoing experiences with conflict and transitional justice. We explore some of these in the final sections of the paper.

Transitional justice in Nepal

In Nepal, the concept of transitional justice was explicitly cultivated in the Comprehensive Peace Accord (CPA) signed between the Nepal government (GoN) and the then insurgent party, the Nepal Communist Party (CPN Maoist), on 21 November 2006. However, transitional justice in Nepal has been influenced by the Nepali political

process since 1990 with different periods of with liberal democratic polity (1990 onwards), Maoist insurgency (1996-2006) and King's direct rule (2005-2006). In fact, various social movements, insurgencies, conflicts and revolutions in the last seven decades were part of Nepali life (see the JustEd Nepal country profile, Karki 2010, Gellner and Karki 2008). These collective actions were for democracy, human rights, prosperity and emancipation from all forms of injustices, for example gender inequality, social discrimination, cultural inequalities, caste-based atrocities and economic disparities. The Maoist party launched violent conflict resulting in the loss of 17,886 lives and 1530 forcefully disappeared persons (MoP, 2013), and thousands of displaced persons.

The Constitution of the Kingdom of Nepal 1990 had officially provided a legal space for activism, contentious politics, and social movements but this has not been implemented fully in practice. Similarly, after the restoration of multi-party democracy in 1990, the then prime minister Krishna Prasad Bhattarai formed the Commission of Inquiry to Locate the Persons Disappeared during the Panchyat Period (Hayner 2011). However, the report is yet to be implemented (INSEC 2010). This points to gaps between written procedure and practice.

Between 1990 and 2006, both the Maoists and the State were excessively violent against people and destroyed public property such as schools, Village Development Offices (VDCs) and government offices. In this context, the then King, political parties, the Maoists, civil society and intellectuals realized the necessity of transitional justice in Nepal.

The National Human Rights Commission, local human rights NGOs, and INGOs, intellectual communities and the Office of the United Nations High Commissioner for the Human Rights (OHCHR) played a pivotal role to include the transitional justice provision in the Comprehensive Peace Accord (CPA), which was signed in 2006, and in the Nepal Interim Constitution 2007. However, there has been significant resistance to implement transitional justice measures at the national level. Nepal promulgated the Transitional Justice Act in 2014 and two commissions were formed: i) the Truth and Reconciliation Commission and ii) Commission of Investigation on Enforced Disappearance Persons.

There are many challenges to transitional justice in practice in Nepal. Though there are many legal activists campaigning for the enforcement of fundamental elements of international criminal law, perpetrators have been able to avoid prosecution. In domestic politics, this has often been a source of dispute. There are also difficulties reaching agreement on a national approach for transitional justice. Nepal borrows various transitional justice global practices, but draws particularly on the South African model, 'let us forgive and forget', in its efforts to achieve stability in its peace process. Geographically, Nepal lies between India and China, so their respective approaches are also influential. These countries each have distinct transitional justice concepts, including approaches to human rights. An alternative narrative perspective is that transitional justice is a western liberal construct. Pathak (2019) claims that transitional justice in Nepal is a Western strategy to demolish China. During the Chinese President Xi Jinping's Nepal visit in 2019, China proposed that Nepal sign an extradition treaty which is being opposed by India, the US and other western countries. Thus, transitional justice emerged as a geo-static strategy in Nepal. UNMIN and OHCHR were compelled to leave Nepal prior to the promulgation of post-conflict constitution.

While comparing the constitutions of Nepal, the last two constitutions have identified, recognized, and empowered the historically discriminated and alienated peoples. Thus, the perpetrators claim that they are emancipators of the structurally ignored, left-out sections and segments. How the historically marginalised are involved in or silenced through transitional justice processes is a topic of rich potential in the Nepal context. Given the great attention paid to narratives of equality and inclusion in the education policy literature (see Nepal country profile), formal schooling is a key area where such processes may take place. In JustEd's work in Nepal, we are particularly interested to explore these and the ways that different conceptualisations of transitional justice are included in national curriculum and how these compare with young people's views and experiences.

Transitional justice in Uganda

As compared with Nepal, Uganda has a longer history of formalised processes of transitional

justice. The 1974 Truth Commission of Inquiry into the Disappearance of People in Uganda, set up by Idi Amin's government was the first national truth commission in Uganda and arguably, the first across the globe. The inquiry was set up in response to mounting international and domestic political pressures. The commission documented 308 cases of disappearance and recommended a series of reforms to the police (Hayner 1994, 612). The commitment of Idi Amin's government to implement reforms was brought into question, however, as suggested by the fact that the report was never published for the public. In addition, Amin's regime continued to demonstrate brutality and human rights abuses (Carver 1990, p. 399).

As soon as Yoweri Museveni's National Resistance Army / Movement took over power in 1986, it instituted a Commission of Inquiry into the Violation of Human Rights. The Commission's mandate was to inquire into all aspects of violation of human rights breaches of the rule of law and excessive abuse of power committed against persons in Uganda by the regimes in government between 1962 and the day before Museveni took over power in 1986 and possible ways of preventing the recurrence. The Commission recommended; a) the repeal of laws allowing detention without trial, b) that human rights education should be incorporated into the curricula of schools and universities and into the training programmes of the army and security forces. The Commission had hoped that it would make summaries of its Report in various Ugandan languages for use in schools, universities and colleges, but this never happened for lack of funds. Second and most importantly, the eight-year work of the Commission never became public and was almost forgotten as soon as it was handed to government. The government has never referred to it in any formal way (Oder 1990, 11).

In Northern Uganda, a civil war was fought between the rebel fighters of the Lord Resistance Army (LRA) led by Joseph Kony and the Ugandan government soldiers for two decades between 1986 and 2006. The Juba Peace Talks between 2006 to 2008 in Juba, South Sudan were held between the government of Uganda and the Lord's Resistance Army (LRA). Judging success or failure of Juba Peace process on the basis of failure to sign the Final Peace Agreement (FPA), is liable to a critique as misplaced or incorrect. In fulfillment of the spirit of Juba Peace agreements, the Government of Uganda established an amnesty for

all LRA fighters who denounced rebellion as provided for in the Amnesty Act 2000 and the International Crime Division of the High Court of Uganda.

Approved by Cabinet on 17th June, 2019 and officially released by GoU in September same year, the National Transitional Justice Policy (NTJP) is an overarching framework for transitional justice in Uganda in fulfillment with Juba Peace process on Accountability and Reconciliation (NTJP 2019, Bland 2020) on alternative form and national framework of transitional to deal with past violations. In the temporal period from pre and post independent Uganda (see NTJP supra note 4, iv). This makes Uganda the first African country to have a national transitional justice policy after the African Union Transitional Justice Policy (AU – TJP). JustEd's study in Uganda is a timely one. With the recent Transitional Justice policy and the introduction of the new curriculum from 2020 onwards, this is an exciting time to be exploring how transitional justice is taught, conceptualised and experienced by young people.

These truth commissions, peace talks and formal transitional justice policy paved the way for a transitional justice tradition in Uganda at the national level. However, there are many traditional mechanisms and symbolic and material reparation processes that have also characterized transitional justice in Uganda. Some examples of these were given in the section on traditional justice processes above. In JustEd, we seek to engage in these processes, as part of a shift from normative transitional justice built on liberal democracy to lived experiences and the materiality of the everyday (Freeman et al. 2015).

Transitional Justice in Peru

From 1980 to 2000, Peru experienced an armed conflict, mainly between the Peruvian Communist Party (Sendero Luminoso) and the Armed forces, which led to human rights abuses including assassinations, torture, murders, extrajudicial executions, forced disappearances and sexual violence. The conflict began when the Communist Party 'Sendero Luminoso' (SP) declared a civil war against the Peruvian state in 1980 (CVR 2003). SP were responsible for 54% of victim deaths while the MRTA (The Tupac Amaru Revolutionary Movement) were responsible for 1.5% of recorded fatalities. Although the MRTA's crimes were on a much lesser scale to those of Sendero Luminoso, they were also engaged in criminal atrocities and

human rights violations and consequently the further weakened democratic order (CVR 2004).

The CVR estimated that the most probable figure of victims who died in this period was 69,280 people, which is the longest and bloodiest conflict since Peruvian independence in 1821 (Correa 2013). The majority of human rights violations (75%) were carried out against indigenous people (peasants) who lived in conditions of historical exclusion, poverty and also with little consciousness of their rights (CVR 2003).

Within this context, the preceding leaders Fernando Belaunde (1980-1985) and Alan Garcia Perez (1985-1990) were democratically elected, as was Alberto Fujimori in the first instance when he won the election in 1990. However, the 'self-coup' of 5 April 1992 marked the beginning of Fujimori consolidating his previous mandate into a dictatorship in which subversion of the rule of law and impunity became the norm. Some examples of this include the massacre of eight students and one professor at La Cantuta University in 1992 and the ensuing amnesty for the members of death squad 'Grupo Colina' in 1995.

However, the exposure of an extensive corruption network and the important role of civil society led to Fujimori's self-imposed exile to Japan in 2000 after a frustrated attempt for a third period of government dogged by allegations of electoral fraud (Correa 2013). After these key facts, the interim government led by President Valentin Paniagua established the Truth and Reconciliation Commission (CVR) in 2001, which was then ratified by the next democratically elected government of Alejandro Toledo.

As part of the CVR's final report launched in 2003, a collective reparations programme was recommended by the CVR. For instance, for educational reparations, the CVR proposed a reform that ensures quality education and the promotion of democratic values to respect human rights, cultural diversity and pluralism (Sandoval 2004). In particular, the CVR emphasised the importance of intercultural and bilingual education for the most vulnerable children; the need for scientific education, early childhood education and a local educational management (Paulson 2011).

Furthermore, in response to the CVR's recommendations, the Public Ministry created specialized units to investigate human rights and

terrorism cases. The most important success in Peru's criminal prosecution efforts was the extradition and prosecution of former president, Alberto Fujimori who left Japan in 2005 and was arrested in Chile in the same year (Burt 2018). The Peruvian Supreme Court determined the public trial against Fujimori and he was accused of the following crimes: the 'Barrios Altos' and 'Cantuta' massacres and the kidnapping of journalist Gustavo Gorriti and businessman Samuel Dyer after the self-coup in 1992. Finally, the Court found Fujimori guilty of all the counts of aggravated homicide, assault and kidnapping and sentenced him to 25 years in prison (Burt 2009).

However, these important facts in transitional justice in Peru were set back by a volte-face from the following president Pedro Pablo Kuczynski (2016-2018) who gave Fujimori a humanitarian pardon in 2017. Tellingly, in October 2018 Fujimori's pardon was reversed by the Peruvian Supreme Court and he returned to prison. His daughter Keiko Fujimori has contested the last two General Elections (2011 and 2016) and has recently competed and lost against left-wing candidate Pedro Castillo in the second and decisive round of the June 2021. Keiko Fujimori has explicitly stated that she would get her father out of prison.

Based on the four dimensions of transitional justice (truth, justice, reparations and institutional reforms), the following lines present relevant facts of the current state of these dimensions in the country. For seeking truth, the National Registry for disappeared persons and burial sites (RENADE) has consolidated the current registry of victims (Jave, Reategui & Hurtado 2018). Regarding justice, the Judiciary has shown significant institutional autonomy by annulling the humanitarian pardon of Fujimori. About memory, the CVR recommended the creation of monuments and parks like 'El ojo que llora' (The Eye that Cries), but unfortunately these monuments have been defaced on several occasions by groups who support former president Fujimori. Similarly, 'El lugar de la memoria, la tolerancia y la inclusión social' (The space of memory, tolerance and social inclusion), was attacked by a congressman who denounced the 'incitement of terrorism' against a specialist who worked in the institution (Jave, Reategui & Hurtado 2018).

In summary, the process of transitional justice in Peru has been marked by progress and setbacks.

The process of fully acknowledging both society and the state's responsibility for its part in the violations will require additional time and effort (Correa 2013, 30). In the educational sector, for example, there is a need for strong commitment and cooperation between state actors, teachers, students and civil society to ensure that quality education and the promotion of school as an integral part of citizenship and democracy are normalised. Regarding this point, the new 'National Education Project' a long-term project towards 2036 emphasises the relevance of citizenship to build the nation. Undoubtedly, this will be a gradual process which requires considerable commitment, perseverance and concerted efforts from governments and civil society alike.

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