

Healing the past, building a fair future



Easy-to-read

Easy Read



This is an Easy Read document.
It uses simple language and
pictures to make the information
easier to understand.



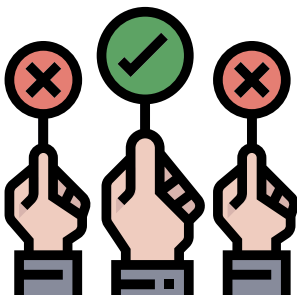
Some words are **bold** and may be
hard to understand. Don't worry,
we will explain what they mean.



This booklet is written by the
International Institute for
Democracy and Electoral
Assistance (International IDEA).



International IDEA works with
organizations around the world to
support **democracy**.



Democracy is a system where
people have the power to make
choices about how their country
is run.

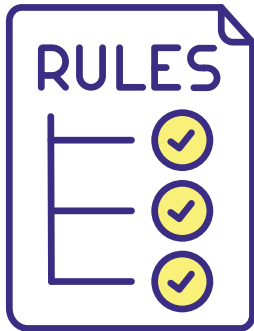
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What is this booklet about?



This booklet is about how countries can recover from problems because of war or **human rights violations**. There are 2 things that can help:



- Fixing wrong things that happened in the past (called **transitional justice**).
- Putting together better rules to be used in the future (called **constitution-building**).



When someone is treated unfairly, harmed or denied certain things (like being able to say what you believe), this is called a **human rights violation**.



Transitional justice is about finding ways to fix wrong things that happened in the past. This could mean:



- Finding out the truth about what happened.



- Punishing people who wronged others.



- Giving money, healthcare or support to people who were hurt.



Constitution-building is about making fair rules and systems to make the future peaceful.



A **constitution** is the most important law of a country. It explains how the government works, what rights people have and how laws are made.

When a country is recovering from problems, it needs a constitution to:

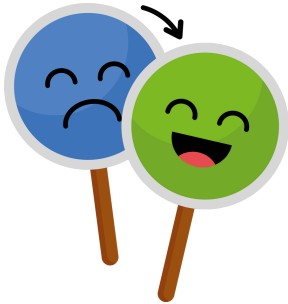


- Make everyone feel safe, respected and included.
- Protect people's rights and stop problems happening in the future.
- Make fair rules for a better future.

Fixing problems from the past and making the future better



Transitional justice and **constitution-building** can work together to help countries make things better and more peaceful after a war or conflict.



Transitional justice fixes problems from the past, and **constitution-building** makes fair rules for a better future.



When these 2 things work together, they can:

- Create a better and fairer place for people.
- Stop the same mistakes from happening again.





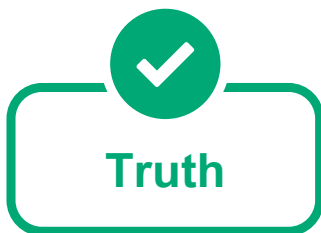
- Make sure everyone (men, women, disabled people, **minorities**) is included in building a better future.

Minorities are smaller groups of people, often different in race, culture or religion from most of the people around them.



- Ensure peace lasts longer.

There are 4 parts of transitional justice. They are:



- Truth.



- Justice.



- Fixing past wrongs.



- Promising a better future.

Truth



Looking for the truth helps people to understand what happened during war or conflict by:

- Listening to people who were hurt.
- Recording what happened.
- Telling people the truth.



Countries often create **truth commissions** to do so.

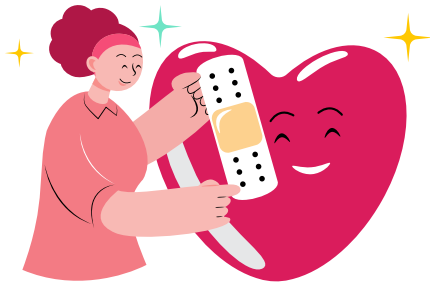
Truth commissions are organizations that investigate past human rights violations.

How a good constitution can help when looking for the truth:



- It gives people the right to know the truth.

- It can create truth commissions to investigate what happened.



- It helps people talk openly about history and heal from past conflicts.

- It recognizes past wrongs and promises a better future.

Why looking for the truth should be included in constitutions:



- Laws are stronger and last longer.
- The government cannot remove or change the constitution easily.



- It gives a truth commission more power to investigate problems.



Examples:

- Colombia and Somalia made it a rule in their constitution to have truth commissions.



- In Nepal, the Human Rights Commission has the power to investigate crimes and take action.



- Kenya set up a Land Commission to solve land disputes.

Truth seeking is not always easy.



- Sometimes, looking for and finding the truth can cause problems if we only hear one side of the story.



- This can happen when the new rules say that one group of people were only victims and the other group were only wrongdoers.



- People may not agree on what really happened.

Justice



Justice means making sure everyone is treated fairly. It helps victims and punishes people who break the rules.

Justice must treat everyone the same:



- Victims must get help and support.



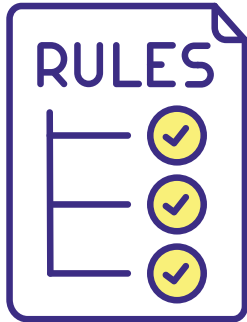
- Accused people must get a fair trial with a lawyer.

- Powerful people must also follow the law.



A good constitution protects these rights and makes sure laws are applied fairly to all people.

How a good constitution can help to have justice:



- It sets rules to ensure fairness and equality.
- It makes sure everyone, including the government, follows the rules.



- It protects victims' rights and gives everyone access to justice.
- It creates independent courts to handle crimes.



- It ensures fair trials for accused people.



Justice processes themselves must follow the constitution and the law.



Courts are important for protecting the law and making sure everyone follows it.



Police and courts may need to be improved to ensure they treat people fairly and are held responsible for their actions.

Fixing past wrongs

Fixing past wrongs help victims to recover by:



- Giving money to victims.



- Providing healthcare such as medical and mental health support.



- Providing education such as scholarships for victims and their families.



- Building statues or museums to remember past events.



- Returning stolen land or homes.

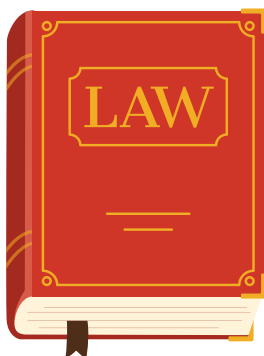


- Government admitting past mistakes and saying sorry.

Why fixing past wrongs is important:



- It helps victims heal and feel valued.
- It helps bring justice and peace.



- International law says governments must help victims.
- Constitutions can make it a legal right for victims.

A good constitution can help with fixing past wrongs in 3 ways:

1. Recognizing past harm



- The constitution can recognize what went wrong in the past and honour those who were hurt.
- For example, some countries write about their painful history in their constitution.

2. Giving help to victims



- Some constitutions promise special support for people hurt in war or violence.



- This can include money, healthcare or education.

3. Supporting marginalized groups



Marginalized groups are people who are not always treated fairly and find it hard to be heard.

Some communities (minorities) have suffered unfair treatment for many years.



- The constitution can give marginalized groups rights, land or resources to fix past wrongs.
- For example, in Nepal, the constitution promised land and money help to war victims.

Promise of a better future



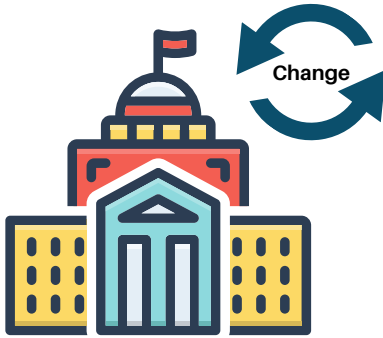
The promise of a better future means making sure bad things do not happen again.

Why the promise of a better future is important:



- It protects people from future harm.
- It makes sure the mistakes of the past do not happen again.
- It makes sure the future is safe and fair for everyone.

A good constitution can help prevent the same problems happening in the future in 3 ways:



1. Reforming government organizations

- The constitution can make rules to change the police and government.
- It can have rules to fix courts and laws.
- It can have rules to share power between different parts of government (courts, parliament and president).
- It makes sure no leader can control everything alone.



2. Protecting human rights



- The constitution can protect and promote human rights.



- It can have rules against unfair treatment.



- It can include promises to follow **human rights treaties**.

Human rights treaties are promises between countries to protect people's rights and treat everyone with respect.

3. Making sure the right people are in government



- It can have rules to check the backgrounds of government staff to remove those involved in crimes or human rights violations.



- It can have new rules to make sure that only good and trusted people can get government jobs in the future.

Experiences of different countries

South Africa



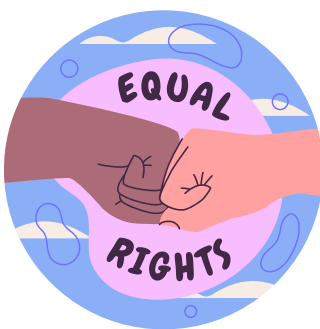
For many years, South Africa was ruled by **apartheid**.

Apartheid was a system that gave all the power to white citizens and oppressed Black South Africans.



The country moved to being a democracy in 1994, ending apartheid.

How did they fix the problems and ensure justice?



- The 1996 constitution promised equality, justice, democracy and protection of human rights.



- It also promised that apartheid would never happen again.



- The constitution also protected white minority to keep peace and encourage their support for change.

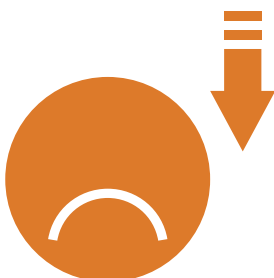


- South Africa created a Truth and Reconciliation Commission that allowed victims to share their stories.



- Some people who admitted their crimes received forgiveness while others were punished.

There were difficulties:



- Some people felt that not enough criminals (people who did crimes) were punished.



- The constitution and laws did not include support for victims who were hurt or lost their homes.

Nepal



Nepal had a **civil war** for 10 years between the government and **rebels**.

A **civil war** is when people from the same country fight each other. They may disagree about who should lead the country or how the country should be run.



Rebels are people who fight against the government because they disagree with its rules or decisions.



The civil war happened in Nepal because certain groups felt treated unfairly and that the government had too much power.



Many people were killed or went missing in the civil war.

How did they fix the problems and ensure justice?



- The government and rebel groups made an agreement for peace, justice and a better future.

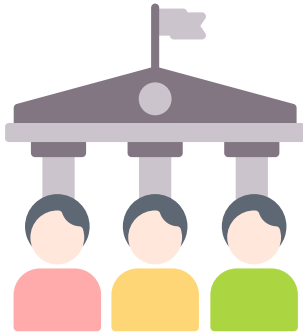
- Nepal created a new constitution to implement the agreement.



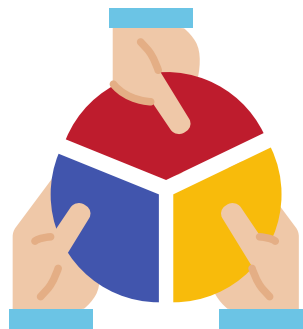
- It set up commissions to investigate war crimes and human rights violation.



- The constitution promised special rights to victims of the civil war, such as access to education, healthcare, jobs and housing.



- It changed the government system to **federalism**, so that power is shared more fairly and all groups of people feel included and respected.

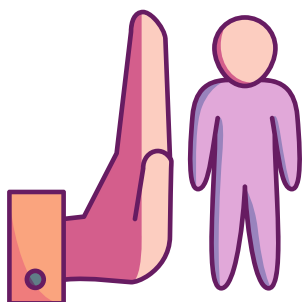


Federalism is a government system which shares the power between the central government and local governments such as states or provinces.



There were difficulties:

- The constitution-making process was controlled mainly by powerful political leaders.



- Some minorities and marginalized groups felt left out of the process.



- The commissions did not have enough money, staff or support to do their work properly.

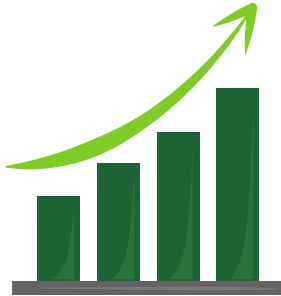


- The government failed to prioritize victims' voices and needs in implementing transitional justice.



- Victims of the civil war lost trust in the justice process because they did not get answers or results.

What can we learn from these countries?



- It is important to fix past problems and build a better future together.



- A good constitution should protect victims and prevent the same problems happening in the future.



- Justice must be part of the new system and government.



- People need to understand their rights.



- Everyone should be involved to make sure it is fair and equal.

Find out more



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