

ICTJ Background Papers for Vermont Truth and Reconciliation Commission

Paper 1: Laying the Foundation for a Credible Process

Key Considerations for the First Six Months

Prepared by Virginie Ladisch, May 2023

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Building a strong rapport and working relationship

A strong and clear mandate is important in securing the legitimacy of a commission, however, experience in various countries has shown, it is the commissioners and people who implement the work of the commission who matter the most. Far too many commissions with beautifully crafted mandates have fallen short of expectations due to infighting or conflicts within the commission. It is therefore crucial to dedicate the time at the beginning of your mandate to come together as commissioners to build a good working relationship based on respect and trust.

The commission is an independent, temporary, body set up to carry out a crucial mandate. As commissioner, you face the challenge of being responsible for starting up an organization that will need entirely new staff, protocols, and working methods. Given the public nature of the work, there is the added pressure of external expectation and eagerness to see the work unfold, as well as an obligation to be transparent and responsive to the needs and vision of the community. It is important to recognize the unique challenges that lie ahead for the commission and thus plan the first six months carefully, balancing the need to establish yourselves internally while communicating trust externally. If possible, it would be ideal to organize a retreat together for a few days before delving into the technical work.

As Marie Wilson, commissioner of the Truth and Reconciliation Commission of Canada,¹ reflected, the challenge commissioners face is that you need to build, establish, and do, all at the same time. As a commissioner you are forming relationships and doing the task at the same time. In Canada, particularly since the first three appointed commissioners resigned, Commissioner Wilson and her two other

¹ The TRC of Canada completed its mandate in 2015. It was led by three commissioners. It transferred its records for safekeeping to the National Centre for Truth and Reconciliation. For more information, see <https://nctr.ca/>

commissioners felt the additional pressure to prove that they could be trusted to carry out this crucial work. Reflecting on the first few months of the TRC of Canada, Commissioner Wilson notes:

“the first thing we did was to sit together, just us three commissioners. We needed to be seen to be standing together and working together to build trust. We also needed to get to know each other and appreciate each other.”²

The approach the commissioners took in Canada was thus to convene together a lot in the beginning. Since the work could not wait, they agreed to spend the first few months doing everything together. All three commissioners would attend any speaking engagement or community event. At public presentations, each commissioner would say a few words and address the public. That was beneficial both for the public image of a united front and as a way for the commissioners to get to know each other and appreciate each other’s strengths. As they travelled together and heard each other speak, they were able to learn about each person’s style, particular strengths, their personal stories and backgrounds, and how that shaped their approach to the work.

A few months into the process, once the commissioners decided that they needed to divide up the work to be more efficient, the initial few months they had spent doing everything together helped them feel comfortable when they had to work more autonomously. Knowing each other’s specific areas of expertise, allowed the commissioners to be more strategic in deciding which commissioner would take up a speaking engagement or key issue. For example, Commissioner Wilton Littlechild had strong connections to the United Nations Permanent Forum on Indigenous Issues, so he was the lead on that part of the commission’s work. Given Commissioner Wilson’s background in public broadcasting and journalism, she took the lead on the outreach for national events.

Investing time at the start of the process to get to know each other and to develop a positive work culture will be crucial as the work advances and becomes more complicated. An effective preparatory phase will assist and facilitate the commission’s deployment and operations. If critical preparatory tasks are incomplete, the commission will waste energy solving problems as they emerge.

Agreeing on Key Principles and Values

A truth commission is similar to a commission of inquiry, but it does substantially more. Not only is it required to establish an accurate and impartial account of the past, but it must also address the needs of victims, redress the harm caused and prevent the repetition of violations. By revealing the truth and putting victims at the center stage, a truth commission is expected to initiate the important tasks of restoring shattered lives and building trust between citizens and the institutions meant to serve them. Since a truth commission is expected to contribute to achieving a society respectful of human rights, the commission and its members must act in accordance with values and principles that uphold human rights.³

It is important for the commissioners, and then all staff once hired, to develop a set of shared values and principles that will guide their work both in terms of substance and conduct. Inevitably conflicts will arise in the course of the work. In those moments, it is helpful to have guiding principles to refer to as a way of

² Marie Wilson, phone interview with Virginie Ladisch, April 6, 2021.

³ Truth Seeking: Elements of Creating an Effective Truth Commission, Edited by Eduardo González and Howard Varney, International Center for Transitional Justice, 2013. Available at <https://www.ictj.org/sites/default/files/ICTJ-Book-Truth-Seeking-2013-English.pdf>

working through the conflict and holding all members of the commission accountable to their commitments. There are already key principles included in the terms of reference/mandate, but it is worth investing time to review those carefully, add new ones, and make sure every commissioner understands and shares the same vision for the work.

Here are a few examples of key principles to consider:

- respect for human dignity;
- respect for the truth and upholding it;
- respect for equality and the advancement of human rights and freedoms;
- rejection of racism and sexism;
- accountability, responsiveness, accessibility, and transparency;
- rigorous and methodical inquiry;
- procedural fairness; and
- integrity and the maintenance of the highest standards of professional ethics.

A truth commission should require compliance with such values and principles through a binding code of conduct. Applying these values will assist the work of the commission in the following ways:

- The values become a lens through which everything is considered
- The values, principles & standards guide all your decisions & choices
- Test proposed decisions & approach against the values & principles
- They offer you protection if your choices are properly justified by the values & principles

Sample code of Conduct ICTJ proposed to the Kenyan TJRC (although not adopted):

1. The commissioners, committee and staff members of the Commission and all persons carrying out work for the Commission shall—
 - a. be impartial and act fairly and without bias in the performance of their functions in terms of this Act;
 - b. act with integrity and not conduct themselves in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private or other interests.
 - c. be diligent, effective and efficient in the carrying out of their functions;
 - d. not divulge any information obtained during the course and scope of their employment with the Commission to any other person except in the course of the performance of their functions with the Commission;
 - e. not use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person;
 - f. respect that records and materials generated and gathered by the Commission belong to the Commission; are part of ...'s national heritage and belong to the people of ... and may not be removed from the Commission unless such removal is for any purpose authorized under this Act.
2. To the extent that any personnel are seconded from any state organ or other entity to the Commission such personnel will be accountable solely and only to the Commission.

3. (a) If at any stage during the course of proceedings at any meeting of the Commission, committee or body of the Commission it appears that a commissioner, committee or staff member has or may have a financial or personal interest which may cause a substantial conflict of interests in the performance of his or her functions as such a commissioner, such a commissioner shall forthwith and fully disclose the nature of his or her interest and absent himself or herself from that meeting so as to enable the remaining commissioners, committee or staff members to decide whether the person concerned should be precluded from participating in the meeting by reason of that interest.

(b) Such a disclosure and the decision taken by the remaining commissioners, and, or committee or staff members shall be entered on the record of the proceedings.

4. If a commissioner, committee or staff member fails to disclose any conflict of interest as required by subsection (2) and is present at a meeting of the Commission, committee or other body of the Commission or in any manner participates in the proceedings, such proceedings in relation to the relevant matter shall, as soon as such non-disclosure is discovered, be reviewed and be varied or set aside by the Commission, committee or body without the participation of the person concerned.

This extract from Kenya provides some ideas that can be adapted to your specific context.

Prioritize developing a cohesive vision and strategic plan for the work

In addition to getting to know each other and building a strong work ethic among the commissioners and staff, the other key area of work to focus on at the start of your mandate is to develop the strategic plan to guide the work of the commission. Once appointed, the commissioners should get together for a planning retreat, perhaps with an organizational expert and facilitator, to develop an initial strategic plan, which should be considered a living and working document. As is the case with all early documents prepared by the commission, the strategic plan will need to be reevaluated and evolve over time as the commission's work advances.

The strategic plan should present the vision for where you want to be in 6 months, 1 year, and by the end of your mandate, including a focus on what you want to undertake and what you want to deliver. Examples of different structures for strategic plans are available in [this presentation](#). ICTJ has additional models of strategic plans and planning processes that we can share upon request.

The strategic plan should be based on the commissioners understanding of the mandate of the commission, as well as inputs from the community. Special care should be taken in drafting the strategic plan and implementing the work of the commission, to ensure its approach is rooted in and reflective of extensive and meaningful consultation with all interested parties, particularly victims and survivors. It is therefore important to build in time for consultation at the start of your work. This includes consultations with communities, in particular those listed in the TRC Act, to learn about their expectations and needs. There should also be space and time for commissioners to review the information gathered from previous consultations with communities, and to consult with different people with expertise in key areas related to the commission's work, to receive advice and guidance.

Informed by your consultations key areas to consider in developing the commission's strategic plan include:

- Reviewing the mandate in order to establish a common understanding of its main components and objectives. Commissioners should invest time in clarifying any divergent interpretations or doubts and develop consensus and compromise on important issues.
- Conducting outreach with important partners, especially impacted communities, to learn their views on the mandate, and their expectations, suggestions, or demands regarding the process. Frank and open discussions are more likely to occur in small, private, focused meetings that allow commissioners to develop rapport and common understanding with these individuals and groups.⁴

The general topics to consider in developing a strategic plan include:

- Background/situational analysis
- Commission structure and powers
- Operational strategy in the different phases of the commission including: Preparation, Operations, Information Consolidation, Analysis and Report writing, Dissemination, Follow up plans and Dissolution;
- Implementation Modality
- Government Contribution
- Budget
- Plan of action
- Risk Analysis

While the Vermont TRC has its own specific mandate and context to consider, as just one example, the strategic plan developed for the [Solomon Islands Truth and Reconciliation Commission](#), can provide some helpful ideas or sources of inspiration to adapt to your specific context.

Reflective Practice

Given the time pressure and public pressure inherent in the work of a truth commission, it is essential to consciously build in time to reflect, readjust, and refine your approach as you move forward. As commissioners you are tasked with creating and putting in place the systems needed to run the commission, while also consulting and articulating the vision of the commission's work, all while starting to advance the work. Thus, you are essentially tasked with building an organization from scratch. The main asset, which can also be a challenge, of a truth commission is its flexibility in its design and methodology. There will be a trial period where you test out different approaches and see what results you get. The most successful commissions are the ones that undertake this work as an iterative process and build in time for reflection, assessment, and then adaptation. Commissioner Marie Wilson echoes this point in recommending that you set aside time to debrief and refine as you are doing the work. For example, in Canada, the commissioners agreed that rather than create one set template for each national event (their mandate called for a total of 7 national events, which were multi-day events in the seven regions of

⁴ Truth Seeking: Elements of Creating an Effective Truth Commission, Edited by Eduardo González and Howard Varney, International Center for Transitional Justice, 2013. Available at <https://www.ictj.org/sites/default/files/ICTJ-Book-Truth-Seeking-2013-English.pdf> p. 31

Canada), they would take the time to solicit feedback after each event, and take that information to refine the next event, so that each effort built on past experiences. The work of a commission is an evolving process, enriched by the inputs of those it serves and adaptive to the emerging challenges.

Concluding remarks

As noted in this document, the work of a commissioner is a crucial and challenging task. This memo has sought to present key considerations for the first few months of your work. Additional ICTJ memos will address other technical and strategic considerations. As the work evolves, new challenges will arise, and new topics will become of interest. For example, you may soon be confronted with question around how to set up the statement taking process, internal rules of procedure, or how to plan for the final report. ICTJ remains available to provide in depth technical support and guidance, drawing on our comparative experience of working with and supporting several commissions around the world.

ICTJ Background Papers for Vermont Truth and Reconciliation Commission
Paper 2: Operationalizing the Mandate
Prepared by Virginie Ladisch, May 2023

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ICTJ’s first background paper provides an overview of the key considerations for the first six months of the commission, highlighting the main points to prioritize in that initial phase. This background paper focuses on how to operationalize the mandate¹ of the Vermont TRC, including developing an operational plan, staffing plan, mainstreaming gender throughout the commission’s work, accommodation options for the commission, and reporting.

Creating an Operational Plan

As noted in ICTJ background paper 1, the crucial first step is for commissioners to develop a strategic plan to guide the work of the commission. Once the commissioners agree upon the overall strategy, what you want to achieve and how, you can then start working out what types of skills, people, time and resources you need to accomplish your strategic plan.

¹ For an overview of those CAVR in Timor Leste operationalized its mandate, see “[Building CAVR](#)” presentation by Galuh Wandita- ICTJ Course on Truth Commissions, 2011.

Operational Targets

In addition to establishing the key objectives of the commission and an operational structure to fulfil those objectives, typically, an operational plan will include operational targets, for example:

- The taking of x statements over x period of time in x districts, involving x teams with x statement takers in each team.
- The verification of facts x, y & z from each statement... involving teams ...
- The holding of x focus group meetings per district over x period of time, involving x teams, composed of
- The holding of x public hearings, x per district and x in the capital
- The holding of x private interviews
- The investigation of x emblematic / window cases ... with x teams
- The researching of x themes with x teams dealing with x themes

These operational targets will help the commissioners identify what skills and staff are needed to carry out these activities. As with all initial documents and plans developed by the commission, these operational targets will need to be revisited as you start implementation, and gain insights about what is working well and what needs to be adjusted. The first draft of the operational targets should therefore be seen as a working document that helps identify staff and resource needs in the first phase of the commission's work.

Operational Structures

One of the fundamental pillars to guarantee the effective implementation of a truth commission is the creation of an organizational structure that allows it to fulfill its mandate and legal framework. This internal structure must respond to the functions assigned to it in order to allow the commission to focus on achieving its objectives. To a large extent, the success of a truth commission depends on its ability to organize its multiple tasks, distribute tasks, set priorities, and foster cooperation among its commissioners and employees.

The organizational structure of a commission must be able to effectively channel internal information flow and distinguish between the functions of its commissioners and its staff; deploy territorially, and find the most effective ways to reach survivors, witnesses and impacted communities; use internal specialized teams, identifying strengths, synergies and possible forms of cooperation; manage resources properly and effectively. To this end, commissions are generally made up of specialized units in charge of research, outreach and administration, as well as regional offices deployed across the territory under inquiry.

Gender Unit

It is also recommended to have a designated unit, committee or sub-section that is primarily dedicated to ensuring an inclusive gender approach and streamlining best practices on gender

throughout the commission. A **gender unit** should provide special assistance on gender violations investigations and establish focal points in all departments to advance gender mainstreaming. As just one example, ICTJ recommended the following powers, duties and functions for the Gender Committee at the TJRC in Kenya:

In addition to the powers, duties and functions conferred upon the Committee in terms of this Act, and for the purpose of mainstreaming gender imperatives into every aspect of the Commission's work and achieving the objectives of the Commission,

(a) the Committee shall-

- (i) take steps to ensure that all organs of the Commission shall consider and address the gender implications of their activities;
- (ii) conduct gender sensitivity training for all the Commission's personnel before the formal operations of the Commission commence and periodically during the Commission's operations;
- (iii) in concurrence with all committees and bodies established in terms of this Act appoint or second a dedicated gender focal person to each committee and body;
- (iv) recommend protocols for statement taking, collection and analysis of gender and sex-disaggregated data, the conduct of interviews and hearings and other operational matters to ensure that gender concerns are fully addressed;
- (v) monitor gender related practices within the Commission and advise on best practice and principle.

(b) the Committee shall, in co-ordination with the Truth Seeking Committee, on its own or in conjunction with that committee or any other committee or body established in terms of this Act, investigate-

- (i) gender based human rights violations as they arose during the conflicts of the past;
- (ii) the use of gendered violence by factions and public institutions; and
- (iii) the use of sexual crimes as a weapon to serve the objectives of such entities.

(c) the Committee shall, in conjunction with the Victim Support and Reparations Committee -

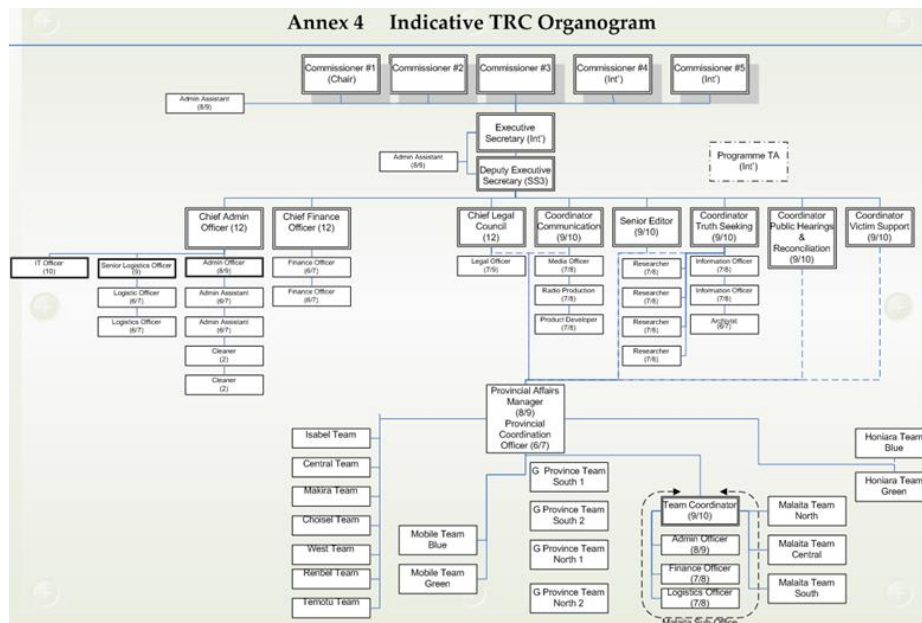
- (i) reach out to and identify victims of gender based violations and provide such victims an opportunity, in private or public, to relate their own accounts of the violations or harm they have suffered and to set out their needs;
- (ii) hold specific public or private hearings on the-
 - (aa) gendered nature and context of violence and marginalization;
 - (bb) causes of such violence and marginalization;
 - (cc) proposals to address the issues highlighted in subparagraphs (aa) and (bb).
- (iii) assess the needs of victims of gender based violations and marginalization and make recommendations to the Commission, which may include urgent interim measures, as to the appropriate measures required to redress such violations and marginalization, including the policy which should be followed or measures which should be taken to restore the human and civil dignity of such victims;
- (iv) consider matters referred to it by the Commission, any other committee or body established in terms of this Act, and any other person, organisation or association;
- (v) prepare and submit to the Commission interim reports in connection with its activities;

(d) The Committee shall submit to the Commission a final comprehensive report on its activities, findings and recommendations.

Education Unit

One of the central aims of truth commissions is to learn from the past in order to prevent the recurrence of human rights violations in the present and future. An early focus on education is central to achieving a truth commission’s preventative aim. From the start, ICTJ recommends setting up an **education unit** responsible for developing educational materials, specific outreach to schools and coordinating with the Department of Education, teachers, and schools to create ad capture teachable moments all throughout the commission’s work. Many previous commissions focused on making recommendations to school and educators in their final report, however, that is a missed opportunity. The truth commission process itself is a key moment of learning. All too often, commissions wait until the last moment to hand over pre-packaged recommendations related to the education sector. However, without buy-in from the education sector, these rarely get implemented. To ensure effective educational programs and materials throughout the life of the commission, it is advisable to hire teachers and pedagogical experts from the start, who can develop materials, coordinate with schools and students, and work in collaboration with the department of education to ensure the effective integration of the commission’s work into the education sector.

The specific organizational structure of the commission will be determined by the specific mandate and context. Here are two examples from very different commissions. The first is from the Solomon Islands TRC. Given the geographic spread of the Solomona Islands, the TRC established different teams for each region to ensure coverage and access across all the islands.



The second example is from the Yoorrook Justice Commission in Victoria Australia:

Annex 3: Yoorrook’s Organisational Structure

Yoorrook currently employs 26 staff who, along with Counsel and Solicitors Assisting, provide support to Commissioners to ensure a culturally safe, trauma-informed, legally sound and appropriate process. External support and legal services are in place to ensure that Yoorrook can refer participants to appropriate legal and wellbeing supports as and when

required as part of an overall strategy to minimise harm and re-traumatisation for participants, families and their communities. 38% of Yoorrook’s staff are First Peoples, and it procures services from First Peoples’ led services wherever possible. Yoorrook’s total budget is \$44 million over three years.

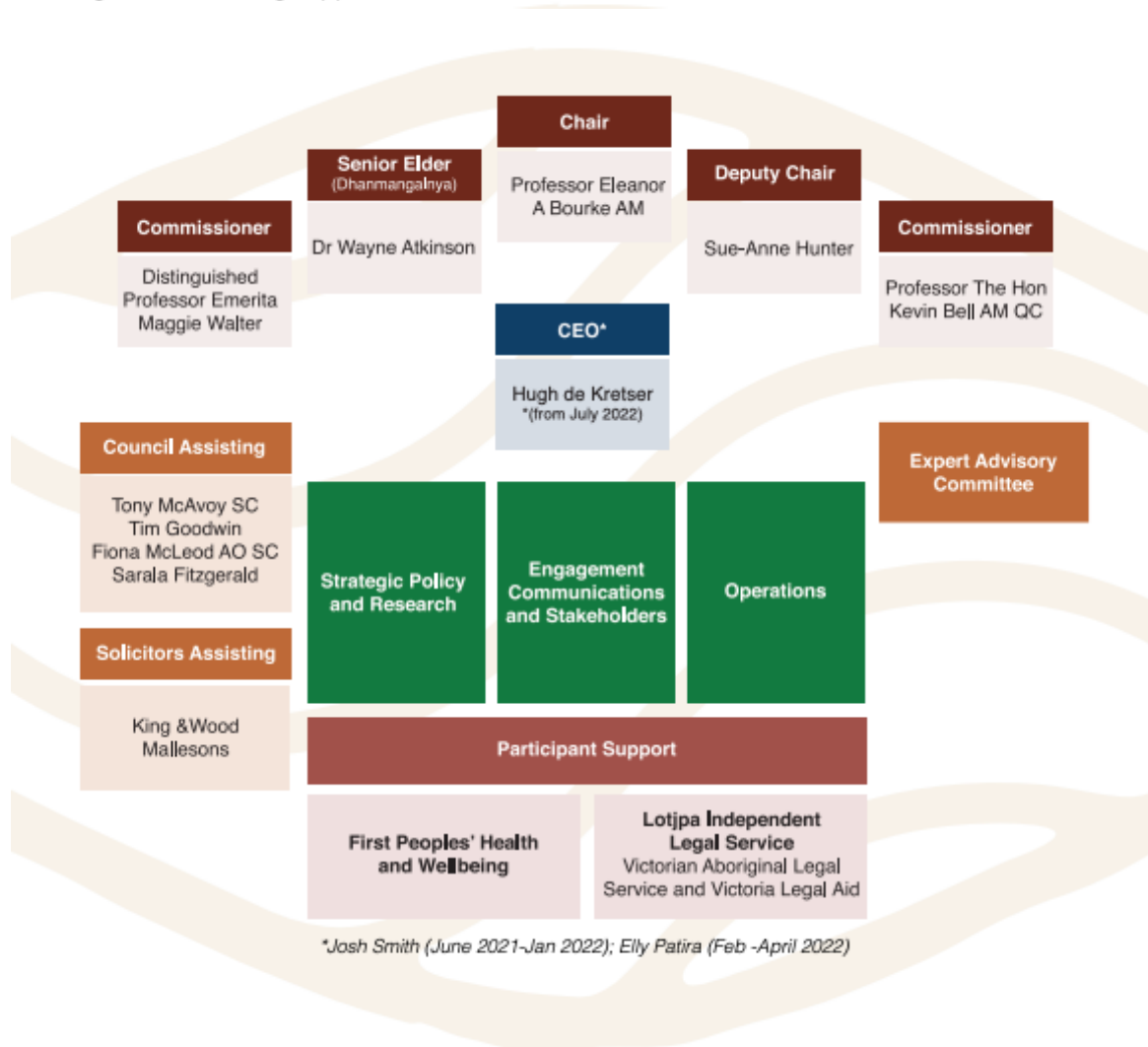


Figure 17: Yoorrook Justice Commission organisational chart

Hiring Essential Staff

Hiring decisions should be guided by the strategic plan. Before hiring staff, it is important to have a clear vision of what role you want various staff to play and what skills you need to fulfill that role, based on the commission's strategic plan. This will evolve over time as the work advances and should be adjusted, but at the start it is important for each new hire to have a clear role and reporting structure. In the past, some commissions have struggled when too many senior staff were hired without clear roles and reporting lines, which led to competition, in-fighting, and power-grabs, which were detrimental to the work of the commission. For example, in Tunisia, commissioners were still debating the structure and organigram of the commission more than a year into their mandate. Territorialism between the chair and commissioners and senior staff prevented them from reaching consensus. As a result, the statement taking process started late because they could not agree on the content of the statement taking form.

The commission will need a skilful staff to assist them with day-to-day work and with personnel recruitment. If some staff are seconded from the government, they should report only to the Vermont TRC for the duration of their service. All commissioners and staff should work full time, both given the magnitude of the work and to ensure that loyalties are not split. A conflict of interest policy should be prepared and signed by all staff.

Attention should also be paid to securing gender balance in staff and leadership and to ensure there are clear "gender champions" among the staff at different levels. As noted in the [Solomon Islands Action Plan to establish the TRC](#) "Experience in other TRCs shows that unless a commission takes particular measures to make itself accessible to women, especially women victims of violence, it will have difficulty involving women in all aspects of the commission's work – and fail to fully include the experiences of women from the period of violence. Strategic planning and program design and operations will take this into account, and commissioners will be required to take a leadership role in this area."²

The Commissioners should play a direct oversight role in the different aspects of the work of the commission. Commission-wide coordination should be overseen by the Chair and through an executive committee that could include the Chair, some commissioners, and the heads of all departments.

Key positions may include:

- **Director of Support Services** (DSS) or Executive Secretary or in the case of the Vermont TRC, Executive Director³: This position is responsible for managing the commission's budget, finances, human resources, logistics, and procurement. The DSS should have significant experience managing large organizations and apply the best practices of transparency and efficiency in public administration. Under the DSS there should be a legal unit, finance unit and personnel office – each with their own heads reporting directly

² [Solomon Islands Government Action Plan to Establish the Truth and Reconciliation Commission](#) (TRC) p 27.

³ ICTJ generally recommends avoiding the term Executive Director since that may confuse the roles and responsibilities of this person vis-à-vis the commissioners. This position should be focused on operations and not the substantive work of the commission.

to the DSS or CEO. Other units that can fall under support services include, information technology, transport, training, records, transcripts, and archives. The DSS should be responsible for making the machinery of the commission work and providing the practical support needed. While in some previous truth commissions the DSS has overseen substantive work as well, this has proven to be problematic. The DSS should not control research and the substantive work of the commission nor take decisions on the substantive work – but rather support the commissions financial, administrative and practical needs. It is therefore important to be clear that this position is in service of the mandate and reports to the commissioners. Key qualities for this role include the ability to listen, build consensus, facilitate strategic discussions, and strong managerial skills.

- **Research and Investigation Director (RD):** The RD is responsible for the investigation and analysis units of the commission throughout all phases of its work, including planning, information and data gathering, and evaluation and analysis. The RD should be the chief editor of the final report. The RD may be responsible for creating and overseeing multi-disciplinary thematic teams, involving both researchers and investigators as needed, dealing with the main subject areas identified by the commissioners. The RD should report directly to the Chair and the commissioner appointed to oversee research and investigations.
- **Outreach and Communications Director (OCD):** Generally, this position is responsible for communicating the mandate and objectives of the commission to the public and managing all public, media, and educational outreach. The role requires a sensitivity to public attitudes towards the commission and the ability to analyze public opinion.
- **Director of Mental health and Psychosocial Support:** Oversee and manage the unit responsible for ensuring a trauma informed and survivor-centered approach to the commission’s work. This involves recognizing the diverse psychosocial needs of survivors, creating adaptable procedures informed by cultural and psychosocial expertise, and preparing to support survivors throughout their engagement with the commission. It is also important to plan psychological support for the commissioners and staff who are at risk of burn out if not supported through the long and intense work of the commission.

Accommodation requirements particular to truth telling bodies

Careful thought and planning should be given to selecting the headquarters of the Commission. It is important for the Vermont TRC to establish its own independent premise, outside of government. The space selected should communicate independence from government, should be located in an area that is accessible to impacted communities, victims, survivors, and witnesses. It is also important to consider the symbolism behind potential spaces and locations, and whether impacted communities will feel comfortable in that space.

The space selected should have the capacity to house all the staff and administration operations of the commission, and also have a space for welcoming impacted communities, survivors, victims, and witnesses. Ideally the building should have several conference/meeting rooms and a larger space for specific hearings. The commission will likely have to hire other venues for larger hearings or events, as well as identify locations in other parts of the state.

Regional Offices and Mobile Teams

It is important for the commission to deploy staff and resources close to victimized populations. In many cases, patterns of violence occurred in isolated areas, far from large cities or populated regions. Victims and survivors living in areas that are difficult to access may need support in order to participate in the commission activities or give testimony. Most commissions have established territorial offices, in addition to headquarters, in order to reach the largest number of statement givers and allow staff to conduct research directly among affected populations. It is important that commissions assess both need and demand when identifying the most appropriate locations for territorial offices.

The Commission may want to consider mobile teams that move across the state in a coordinated way according to a publicized schedule as part of the statement taking process. Mobile teams could complement the efforts of the central office to help raise awareness about the commission and create more accessible spaces for people to come forward and give their statements.

For example, the [Solomon Islands Action Plan](#), notes that: “the TRC shall have its headquarters in Honiara, with an office in Malaita and outreach officers in each of the other seven provinces. Field teams shall work in communities across the country, supported by administrative and program teams at headquarters. These field teams also undertake preparatory work for commissioners to conduct public hearings and other activities.”⁴

In Colombia, the truth commission has established 22 *Casas de la Verdad*, Truth Houses, across the country. These Truth Houses are a space for victims and witnesses to learn about the work of the Commission, give their testimony, as well as community centers to invite reflection around the truth as a right of all Colombians. Testimonies are taken from anyone who wants to contribute to clarifying the truth and collective activities are carried out, such as focus groups, workshops, meetings and discussion sessions.

It is important to note that the larger the structure and the more regional or satellite offices, coordination becomes more challenging and resource intensive. The commission should ensure its structure allows it to carry out its mandate in a coherent and efficient manner and therefore assess the most effective way to cover the state while ensuring constant communication and coordination between the different units of the commission.

Interim Report

The TRC Act calls for the submission of an interim report in the first year and a final report by the end of the three-year mandate. ICTJ generally advises commissioners to start thinking about the final report early in their mandate to establish clear objectives that can guide their work. While part of the strategic plan will likely include a preliminary vision for the final report, it is not necessary to delve into detail on the final report in the start-up phase of the commission. With all the work to be done to develop a strategic plan, hire staff, and establish clear working

⁴ Solomon Islands Action Plan p 3-4

protocols, the first 6 months of the commission will be extremely busy. In light of that, the due date of the interim report will come up very quickly.

Interim reports are mostly used to provide the legislature, government departments and the public with a periodic update on the commission's main activities and administrative, financial developments. In this way, the interim report is an important requirement for accountability purposes, however ICTJ advises to not focus too much on the interim report; it should not take away from the daily activities of the commission. In general, most interim reports are primarily administrative and financial reports to show the public that the work is moving forward. It can therefore be seen more as an activity report that provides an update on progress made to date to establish the commission and advance its mandate. It can also be a good chance to let the public know what to expect from the next two years of the commission's mandate, and to also issue a call for public involvement, perhaps highlighting the ways in which people can be most helpful to the work of the commission.

Interim reports should not be very substantial reports and commissions should not be too deflected from their daily activities with such reports. See, for example the 30-page [Gambian TRRC Interim Report](#) or the [Yoorrook Justice Commission's](#) interim report, which is a bit longer, but still primarily informational rather than analytical. Findings and recommendations should, generally speaking, not be made in interim reports. However, there may be special urgent circumstances demanding the intervention of a truth commission through the making of interim findings and recommendations. These are when subject matters pertinent to the commission's mandate require immediate redress – such as ongoing detentions without trials and the ignoring of habeas corpus orders (as happened in Thailand); or the need to make urgent recommendations on reparations and humanitarian support that cannot wait until the publication of the final report.

The Interim report from the Lessons Learned and Reconciliation Commission in Sri Lanka addressed pressing issues that could not wait for the final report. It should be noted that the LLRC was a largely discredited commission for various reasons – but this report is nonetheless a useful example of this type of interim report. The interim recommendations published in September 2010 included calls for:

- A special mechanism to be created to examine the cases of long-term detainees on a case-by-case basis;
- A list of names of those in detention to be published;
- Released detainees to be issued with a certificate of discharge so that they are not taken into custody again;
- Delays in the legal system should be looked into;
- The government should issue a clear policy statement that private land will not be used for government backed settlements;
- Illegal armed groups be disarmed (high priority);

- Immediate steps be taken so that the public can communicate with officials and receive documents in a language that they understand;⁵

ICTJ has several resources regarding truth commission final reports, which we would be happy to share once you are ready.

Concluding Remarks

Operationalizing the mandate of the Vermont Truth and Reconciliation Commission is a significant task that requires careful strategic planning and developing an operational plan that details the functions and resources needed to meet the commission's objectives. One overarching consideration to keep in mind in these initial steps is to ensure that the independence and legitimacy of the commission is strengthened and protected.

⁵ Interim report of Lessons Learned and Reconciliation Commission in Sri Lanka.
<https://llrclk.files.wordpress.com/2011/02/interim-recommendations.pdf>

ICTJ Background Papers for Vermont Truth and Reconciliation Commission

Paper 3: Mental Health and Psychosocial Support in Truth Commissions

A Brief Overview

*Prepared by Valerie J. Waters**

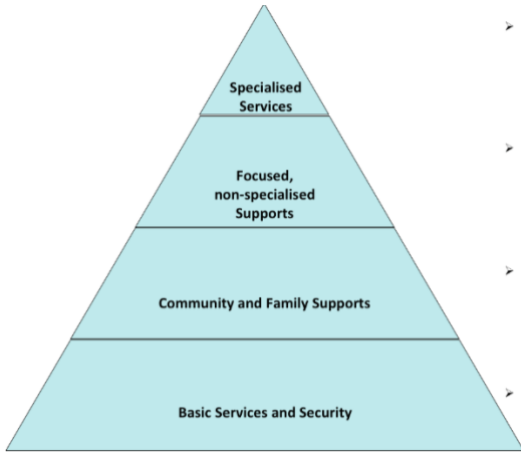
The experience of participating in a truth commission can be healing for survivors, but it also has the potential to be psychologically harmful.¹ Many factors influence whether truth commission participation is likely to have a positive or negative psychological impact on a given survivor, but chief among them is the degree to which the commission constructs a survivor-centered process for witness participation.² A survivor-centered approach requires that truth commissions recognize the diverse psychosocial needs of survivors, create adaptable procedures informed by cultural and psychosocial expertise, and prepare to support survivors throughout their engagement with the commission. Integration of mental health and psychosocial support (MHPSS) approaches and interventions into the procedures of a truth commission is therefore essential to minimize psychosocial harm and maximize the psychosocial benefits linked to survivor participation in truth-telling.

Multi-layered approach to MHPSS integration

A multi-layered approach to MHPSS integration can facilitate access to specialized services for those in need, while also protecting and promoting the mental health and psychosocial well-being of all participants.

The Inter-Agency Standing Committee's Reference Group on MHPSS depicts the range of psychosocial approaches and interventions using the below diagram, where the width of the pyramid corresponds to the portion of the population likely to need or benefit from the category of services, while the height of the pyramid corresponds to the level of MHPSS specialization required to deliver the services.³ The examples of actions from each pyramid level were added below to specify how the multi-layered approach can be applied within a truth commission setting.

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- • Mental health practitioners (such as psychologists, psychotherapists, clinical social workers) specifically oriented to the needs of survivors are prepared to receive referrals for long-term specialized care for the small percent of participants who require and desire this service

- • Trained psychosocial workers are available to provide Psychological First Aid to any survivors or witnesses who may benefit from support during truth commission events
- Crisis hotlines are dedicated to the needs of survivors for the duration of truth commission activities, providing culturally informed crisis intervention and referral services

- • Cultural rituals and healing practices are integrated into truth commission events (ensuring the selected practices allow for the full participation of women and girls, gender identity and sexual orientation minorities, and all other potentially marginalized persons)
- Spaces are dedicated for reflection and memorialization at all truth commission events

- • Information about truth commission proceedings (how to provide testimony, how to attend events, event agendas, etc.) is provided in all relevant languages and disseminated broadly
- Events are staffed with personnel to greet and guide participants, answering questions and facilitating accommodations for persons with disabilities or other specific needs

The above actions are examples only but reflect the diversity of approaches and partnerships necessary to ensure a survivor-centered truth commission process which protects the well-being of all participants.

Referral Pathways

A key action to protect and promote mental health and well-being is the establishment of referral pathways. MHPSS services and supports must be mapped and assessed, and subsequently integrated into a one-page document to help survivors and psychosocial workers easily identify and access key services. Referral pathways should, at a minimum, include the contact information and necessary details for accessing services related to:

- suicide risk management,
- traditional healing supports,
- substance use support,
- grief and loss counseling,
- trauma-focused psychotherapy,
- support for persons in situations of intimate partner violence, and
- social work intervention for situations of child or elder abuse.

Organizations which are equipped to provide a broad array of the above services should be prioritized for inclusion in referral pathways where they meet criteria for quality and accessibility. When considering the inclusion of institutions and professionals within a referral pathway, they should be assessed according to their capacity to:

- Work from an anti-colonialist perspective
- Absorb high volumes of referrals with minimal wait times for service initiation
- Support affected community members in ways which center their experiences of violence and oppression in the etiology of psychosocial needs (i.e., a psychosocial model as opposed to a biomedical model of case conceptualization)
- Integrate and/or work collaboratively with indigenous healing practices to address cultural trauma
- Provide services in the native languages of affected community members

Avoiding hegemony in MHPSS integration

Colonialist and patriarchal ideologies are embedded in the origins of many social sciences, including psychology and social work. “Colonization has also influenced the perspectives and privileged status of social service providers including social workers, who are often employed by, and represent the interests of, governmental agencies.”⁴ In order to ensure that MHPSS integration serves to undermine hegemony, the design must be led by members of the affected community. Dedicating a committee or organization to oversee this aspect of the commission’s activities may improve accountability and communication. Such an entity would ideally:

- Consist largely of members of the affected population;
- Include both MHPSS professionals as well as community members without specific expertise in mental health;
- Include community leaders such as local elected officials, traditional leaders, traditional healers, spiritual leaders, teachers, midwives, or other persons who hold positions of respect;
- Include members of marginalized groups within the community, including gender and sexual minorities and people with disabilities;
- Be gender-balanced both in composition and in power (ensuring that the numbers of male and female community leaders are roughly equal, likewise male and female MHPSS professionals, etc.);
- Be diverse in terms of age groups, ensuring the participation of youth, elderly, parents of young children, and any other age group which may have specific insight into psychosocial needs relevant to truth commission participation.

It is essential to bear in mind that where social services have played a role (whether historical or current) in human rights violations this may have a negative impact on their capacity to accompany survivors through a healing, survivor-centered process. Training lay psychosocial workers from the affected population(s) to provide first-line psychosocial care may be a solution which both addresses survivor reticence to access professionalized support and a shortage of providers available during large-scale events.

¹ Doak, J. (2011) The Therapeutic Dimension of Transitional Justice: Emotional repair and victim satisfaction in international trials and truth commissions. *International Criminal Law Review* 11(2). DOI: <https://doi.org/10.1163/157181211X559671>

² Soueid, M., Willhoite, A.M., Sovcik, A. (2017). The Survivor-Centered Approach to Transitional Justice: Why a trauma-informed handling of witness testimony is a necessary component. *George Washington International Law Review* 50(1), p125-179.

³ Inter-agency Standing Committee. (2007). Inter-Agency Standing Committee Guidelines on Mental Health and Psychosocial Support (MHPSS) in Emergency Settings. Available from: <https://interagencystandingcommittee.org/iasc-reference-group-on-mental-health-and-psychosocial-support-in-emergency-settings>

⁴ Tamburro, A. (2013). Including decolonization in social work education and practice. *Journal of Indigenous Social Development*, 2(1), 1-16 Available from: https://scholarspace.manoa.hawaii.edu/bitstream/10125/29814/1/v2i1_02tamburro.pdf

ICTJ Background Papers for Vermont Truth and Reconciliation Commission

Paper 4: Outreach and Public Engagement

Prepared by Virginie Ladisch, May 2023

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Introduction

For the Vermont Truth and Reconciliation Commission to have a lasting and transformative impact, it should promote public engagement and ownership of the process from its inception. To that end, outreach should be understood as a core function of the fulfilment of the commission’s mandate, not an extra, peripheral, or optional activity. When done well, outreach initiatives can help all stakeholders to have a voice, and help the commission be meaningful to the public you aim to serve. The importance of outreach should be reflected in the commission’s founding documents and in a strong, dedicated budget and an independent professionalized outreach unit. Outreach should be much more than a communication strategy; it should be an institutional commitment.

The Vermont Truth and Reconciliation Commission will have to face the challenge of creating a process that acknowledges and honors the experiences of survivors as well as open a space for public education. A clear outreach strategy will help guide the Commission’s work to ensure these dual aims are met, while always keeping a focus on the guiding principle of a survivor-centered process. On the specific challenge

of raising public awareness, particularly among those who do not see this work as central, Canadian Truth and Reconciliation Commissioner Marie Wilson notes,

“you need to have an intentional strategy for reaching beyond those who already know. You will need to create opportunities for people to get their heads around what happened in a very real way; to help move them on the journey between head and heart.”¹

What is Outreach?

In the context of truth commissions, outreach refers both to a process and a set of outputs. As a technical term, outreach refers to a set of tools—the combination of materials, activities, and strategies— that a truth commission puts in place to **build direct channels of communication with affected communities**, in order to **raise awareness of the justice process, promote understanding**, and ensure the process is accessible, transparent, and meaningful.² Importantly, outreach is much more than a one-way process in which the commission shares information with the public. Rather, to be effective, outreach should be conceptualized as a **two-way process** by which the Commission shares information and opens spaces to receive feedback and participation from the public. In other words, outreach not only entails communicating *about* the process, but also communicating *with* its constituents.

Much more than a communication strategy, outreach should be an institutional commitment. To this end, outreach should be reflected in the commission’s founding documents and in a strong, dedicated budget and an independent professionalized outreach unit. In addition to disseminating information, an outreach strategy should also address the concerns and expectation of affected communities, respond to their questions, and open spaces for genuine consultation and meaningful participation.

Outreach should focus on ensuring that the justice process is meaningful to the affected population, while providing the knowledge and tools necessary for the people to actively participate in the process. Understood in this way, the final aims of outreach programs should be to promote public engagement and ownership of the justice process, thereby contributing to building its legitimacy and lasting impact.³

When done well, outreach initiatives allow all stakeholders to have a voice, and help a truth commission to be meaningful to the public it aims to serve.

Aims of an Outreach Program

The specific aims of an outreach program depend on the mandate and strategic plan of the commission. At the start of the Commission’s work, ICTJ recommends you take the time to establish clear aims for your

¹ Marie Wilson, phone interview with Virginie Ladisch, April 6, 2021.

² Ramírez-Barat, Clara. [Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice](#), International Center for Transitional Justice, 2011.

³ Ibid. p. 7

outreach strategy. These should be continually revisited as your work progresses to see where you need to adjust or add new elements. Possible aims include to:

- Build sense of local ownership and trust to enhance the commission's legitimacy;
- Promote public engagement and participation. Reach out to and inform victims, survivors, witnesses, and the public so they can participate in the process;
- Give people voice in process to ensure the Commission addresses their needs;
- Promote inclusiveness & transparency;
- Promote general deliberation among the population about the themes explored by the commission; and
- Publicize goals & results so that justice is seen to be done.

The transformative potential of the Vermont TRC lies in part in the possibility “for a critical mass of people to reconsider their past and reimagine their future; to move from a time in which violence and victimization of the ‘other’ is normal, to one in which sympathy and rights awareness undergird the relationships across communities and between citizens and state.” To achieve this aim, the Commission will need to work with journalists and the media to share information in a way that helps to “get a nation talking about itself in ways that open rather than close down serious debate.”⁴

Elements of an Effective Outreach Strategy

Commissioners should make public engagement, media relations and constituency building central elements of their mission, staffing and budgeting. To that end, these priorities should be considered in the design and implementation of the Commission's work plans at every stage and at every level of operations. As a first step, it is important to build an effective team, draft a clear communication strategy, and design a range of outputs and activities that can serve to both involve and involve your various constituencies.

Building a Strong Team

All sectors of the Vermont TRC should be actively involved in outreach. To ensure unified messaging and efficiency, ideally the commission should set up a specialized unit to coordinate the various outreach objectives and activities of the Commission. This unit should be staffed with professionals from various fields, including journalists, media experts, advertising experts, as well as writers and artists who can transform material that emerges from the commission's work into stories of various formats that can reach different target audiences.⁵ In addition, the commission should also explore alliances and partnerships to effectively “harness the capacity of a wide variety of influential opinion makers”⁶ to help the commission to disseminate original stories and interviews and initiate public debates.

⁴ Institute for Integrated Transitions, [Changing the Narrative: The Role of Communications In Transitional Justice](#), p. 9

⁵ Ibid p. 10-11

⁶ Ibid p. 11

Designing a Clear Communication Strategy

The Commission's outreach plan should be grounded in a clear communication strategy. The sample [TC communication strategy template document](#) developed based on the Solomon Islands communication strategy and adapted for The Gambia's TRRC, can provide guidance on the types of questions to ask and analysis to undertake as you seek to develop your communication strategy; including sample charts for an 'Issue, Risk, and Opportunity' assessment as well as a stakeholder analysis.

Elements to consider in this strategy include:

- **Clearly defined goals**, messages and audiences
- **One voice** – internal consensus:
 - Coherence of messaging crucial
 - Discord undermines institutional credibility, confuses audiences, provides space for negative reporting
 - Reinforce message: Commission is above politics
- **Active outreach to key constituencies**
 - Build alliances (research, identify, meet, bring on board)
 - Ensure visibility in key groups, allow for discussion, feedback,
 - Involve constituencies to create sense of participation, ownership
- **Resources/capacity**
 - Investment in communications pays off
 - Website & social media
 - Community outreach

At the start of your work, the key messages will likely focus on basic information about the commission and process including the mandate, structure, avenues for participation, and the rights of participants. As the process advances and develops, you will want to adjust the messaging to provide updates on the process and proactively respond to issues or questions raised by your different target audiences. While it is essential for the Commission's messaging to be unified and coherent, the form in which key messages are shared should be adapted to reflect and respond to your different audiences. For example, a social media campaign may be an effective way to reach youth, while an in-person town hall might be a better way to reach older residents in a remote part of Vermont.

The Commission may also want to explore partnerships with key media outlets.

Example: In South Africa, the TRC was widely covered by a range of media outlets. Newspapers appointed specialist correspondents to cover Commission, virtually full-time. Journalists built up specialist knowledge resulting in high quality reporting of activities. The SA Broadcasting Corporation Radio appointed pool of journalists to ensure news and weekly 'wrap-up' in all languages and SABC-TV held a weekly program 'TRC Special Report'.

Beyond the media, it is important to also think about different partnerships. Some questions to consider include:

- How can the general public, universities, schools, communities, and NGOs engage in and support the work of the Vermont TRC? What about non-traditional partnerships, who they would be?
- How can arts-based initiatives help open spaces for diverse audiences to reflect on and discuss these issues? How can the art community help address enduring legacies of injustice at the grassroots level in Vermont? What type of support is needed?

In thinking about the different types of communication outputs for the commission, the case of South Africa can provide some ideas, as well as highlighting the need for an adequate budget to successfully reach as broad an audience as possible. In South Africa, the TRC hired an advertising agency to design their logo, a series of posters, stationery, and radio ads. They also produced a series of advertisements to announce the opening of offices in regional newspapers; generic leaflets in all languages; booklets on departments; explanatory manual - slides, flipcharts; workshops in regions; posters, 400 000 leaflets for statement-taking campaign; posters for high schools. 60 000 booklets in all languages to report to victims on reparation proposals. Other ideas that were proposed but for which there was not budget include: taxi ads, commemorative stamp, tactical press ads, train ticket ad, billboards, Christmas ad campaign; public participation programs, comic book, radio drama, magazine radio program. While the South African TRC has been criticized for not sufficiently addressing broad systemic injustices under apartheid, its greatest strength was its outreach and communications campaign.⁷

More recently, in 2019, the Human Rights Violations Victims' Memorial Commission in the Philippines held an open design competition for the [Freedom Memorial Museum](#). The design search aimed to engage the Filipino community in building a memorial to honor the lives and sacrifices of the victims of human rights violations during the Marcos Martial Law period. Filipino architects around the world submitted their vision of what the museum should be; in what has been described as the most widely participated architectural design competition in the Philippines in the past decade. The Commission might want to consider holding a design competition for its logo and other identifying visuals, perhaps specifically targeting schools and universities and encouraging collaborative projects.

Overall, it is essential to acknowledge that the public's support or interest in this process cannot be taken for granted. Rather it needs to be cultivated through a series of activities that foster dialogue and promote a better understanding by addressing questions and concerns.

Outreach Activities to Inform and Involve

ICTJ recommends the Commission design a variety of activities that help you advance the dual objectives of outreach: to inform and involve. The details of those activities should be based on an analysis of your

⁷ For more information see [relevant extracts from the TRC Report on communications](#), with pages 4 to 11 dealing with the Media and Communications Dept, and [this presentation](#) about the TRC outreach program.

specific target audience and draw on forms of expression or cultural traditions that are meaningful to that group.

For example, in The Gambia where there is a strong oral tradition, ICTJ partnered with the Truth Reconciliation and Reparation Commission (TRRC) and local organizations to hold a series of listening circles. We also partnered with [traditional communicators known as Kaneleng](#)—women who cannot bear children or whose children died at an early age and who are thus social outcasts, but who have formed support groups, using the power of traditional song, story, and rituals. Kaneleng attend public events and celebrations and bring messages to the community through their songs. They are thus an essential part of the social fabric, with the capacity to bring messages to women in remote communities. Noting that the establishment phase of a commission is a crucial moment to ensure the engagement of women and girls and that increased participation early on will lead to increased participation throughout the process, these partnerships and listening circles were held at the very beginning of the TRRC work. There were three types of listening circles:

- Women’s Listening Circles
- Youth Listening Circles
- Community Town Halls

Women’s Listening Circles:

The goal of the Women and Girls Listening Circle was to engage women early in the TRRC to ensure their vision for Gambia’s transition has an important place in the establishment of the commission. Participants had an opportunity to communicate openly with the TRRC in a space designed to encourage and support female voices. This was also an opportunity for the TRRC to build trust amongst female constituents and to gain their support for its future initiatives.

A local organization, Think Young Women, first completed a two-month outreach campaign with young women speaking about transitional justice and the importance of including women in the process. As a conclusion to these community level engagements, the women’s listening circle provided a chance to share the lessons of that experience and give participants the opportunity to express their views on the TRRC. Key questions included “what is our vision as women and girls for Gambia’s future?” and “How do we think the TRRC can help get us there?” The women and youth commissioners of the TRRC were present as witnesses and facilitators of the listening circle.

The circles were organized with female commissioners only, together with women victims and women’s rights activists. The circles were intimate (with around 20-25 participants) alternative space for women who did not feel comfortable going to public hearing to have a space to be heard by commissioners.

Theses circles helped foster a sense of sisterhood between the commissioners, the victims, and the activists. It opened an opportunity for close parentship and sharing of ideas between women commissioners, women victims, and women civil society leaders.

Youth Listening Circles and Music Caravan:

[Our Nation, Our Voice](#), a group of young activists committed to advancing a more inclusive, rights-respectful, participatory democracy in The Gambia convened a series of listening circles in the remote parts of the country. As a first step, well-known artists and musicians within the group wrote and performed [songs and poems](#) about Gambia's transition and the role of young people in demanding their rights. With the support of the TRRC youth commissioner and ICTJ, the youth traveled to several different communities in a music caravan. On the first day, a small group of the youth leaders would meet with community leaders, provide information about the goals of the community events and listening circles and get their support. The next day, there was a live concert open to the public, followed by smaller community dialogues. The combination of popular music and support from elders, meant many people came and felt open to ask questions and share their views.

Part of the power of these youth-led listening circles was that they did not come with an agenda or with the goal to gather information about specific human rights violations. Rather, the goal was to open space for conversation, and create an opportunity for people who had never had a political voice to share their thoughts with people who had some authority (i.e. representatives of the TRRC, and influential leaders/activists from the capital). The response was overwhelmingly positive, with people noting that it was the first time anyone came to listen to them and to talk with them about the politics of their country.

The key was to find a medium that resonates with the community and a way to fit into what those communities found fun and engaging but also meaningful and legitimate. In The Gambia, music, performance, and poetry were the modes of communication that most resonated with young people in rural areas. A [documentary](#) was also made about this music and information caravan, as a way to further raise awareness of truth commission with people who could not be there in person.

Community Listening Circles/ Town Halls:

The first community listening circle organized by ICTJ and the TRRC was successful in opening a two-way dialogue between the TRRC and the community. Subsequent community listening circles became more of one-way information sessions, where the TRRC provided information about its work. Opening a space for genuine dialogue requires careful consultation and planning.

The first listening circle was organized with a partner who had connections within that community. Prior to the event, a small team traveled to the community to meet and consult with women and other key leaders. Effort was also taken to incorporate the community and their daily life into the program, for example, by hiring women from the community to prepare the lunch for everyone and incorporating a break for daily prayer into the program and speaking with the Imam ahead of time.

In the afternoon, the group split into a women's listening circle and a men's circle. This was important given the cultural context in The Gambia where women are unlikely to speak up in public unless it is a women-only space.

The community listening circle served to build trust between TRRC and community, the process of planning it together creates sense of partnership, that you are allies in this project of truth and accountability, rather than seeing victims as clients coming to service provider. Furthermore, specific violations that were not part of the TRRC's agenda were brought to the awareness of the TRRC in this listening circle and were subsequently added to the topics to be explored in the public hearings.

In planning these community engagements it is important to include social supports and create protected spaces. There is never going to be enough time to hear everybody, so it is also necessary to think ahead of time about how to manage time and to ensure community leaders are on board and they have a plan to handle sensitive issues and manage time.

In addition to the above examples from The Gambia, the following case studies provide examples from Côte d'Ivoire and Canada, with a focus on how to engage youth in truth-seeking processes.

Côte d'Ivoire: Youth-Led Efforts Challenge Dominant Narratives and Foster Civic Engagement⁸

Youth voices can serve as an important corrective narrative to the accepted ones of a conflict. In Côte d'Ivoire, ICTJ in partnership with UNICEF supported a group of youth leaders to create a radio program based on the testimonies and dialogues they had documented across the country. The program chronicled a very different history from the one told in official circles. It set aside the notion that youth violence was a form of mass hysteria, and instead suggested that the Ivorian conflict was the boiling point in a longstanding intergenerational conflict.

In creating their own truth-seeking process in the form of a radio program, these youth took responsibility for their past and, even more importantly, for their future. As commentator Amandine, 22, remarks: "Actors we have been. Perpetrators, too, in the recent history of Côte d'Ivoire. But what type of actors will we be? What role do we want to play in the future of our beautiful nation, our beautiful country? What do we need to do to avoid the return of massive human rights violations and the unnecessary suffering of the population?"

Out of this process and in response to these questions, the young people decided to focus on "politique positive," a term they coined to encourage their peers to become active, engaged citizens through nonviolent means and to refuse the call to violent mobilization. A year later the youth formed their own official independent association, the Réseau Action Justice et Paix. Founded in 2014, it remains active to this day.

Most recently they traveled across the country with ICTJ, to gather perspectives from child and youth victims on the consequences of the violations they suffered and their suggestions for reparations. Their key recommendations were shared with the National Commission for Reconciliation and Compensation of Victims, the government body charged with developing a reparations policy, and were included in the reparations policy, which is now with the president awaiting implementation.

This project thus catalyzed the engagement of youth leaders and the creation of a new youth organization that continues to challenge impunity and advocate for the recognition of young people's rights.

⁸ Ladisch, Virginie. [A Catalyst for Change: Engaging Youth in Transitional Justice](#), International Center for Transitional Justice, April 2018. p. 8

Canada: Youth-Led Truth-Seeking Reveals Intergenerational Trauma and Leads to Curricular Reform⁹

In October 2010 and November 2011, ICTJ partnered with the Truth and Reconciliation Commission (TRC) of Canada to host youth retreats with small groups of high school students. Participants learned about the truth commission process in Canada, as well as the details of an Indian Residential School survivor's experiences. The goal of these retreats was to build capacity among young people in Canada to engage on issues related to the Indian Residential School system and to facilitate increased youth participation in the TRC.

Two of the participants produced a video, "Our Truth," which was presented at the TRC's National Event in Inuvik in June 2011. Molly Tilden and Marlisa Brown interviewed their high school peers about what they knew about the Indian Residential Schools, whether they thought these schools had any impact today, and whether they thought they contributed to racism. Captured on film, the answers were shocking: Some students—largely the nonaboriginal youth—had no knowledge of the schools or simply displayed complete indifference. Other students spoke about the enduring impact they saw in terms of high rates of alcoholism, suicide, and teenage pregnancies. There was a huge disconnect between how young people viewed the relevance of this legacy and what knowledge they had of it.

The reaction by both survivors and the media was strong and overwhelmingly positive. The video presented a frank view of young people's attitudes toward survivors of the residential schools, highlighting the racism endemic in their community. Their words were not softened through diplomatic editing, and the bluntness of the prejudice exhibited in the video was critical to its impact. In the spring of 2012, education experts lobbying the governments of the Northwest Territories and Nunavut included this video as part of their proposed revised curriculum on Indian Residential Schools. According to a curricular development consultant who participated in these meetings, the revised curriculum was likely approved in part because of the documentary. The prejudiced views blithely stated by interviewees in the film embarrassed parents and school officials, prompting support for educational reform.

⁹ Ladisch, Virginie. [A Catalyst for Change: Engaging Youth in Transitional Justice](#), International Center for Transitional Justice, April 2018. p. 13

Key Recommendations

The essential point to keep in mind as you launch the Vermont TRC is to consider outreach and public engagement as a core part of your mandate, not an extra activity in service of your mandate. To that end it is important to develop a clear outreach strategy at the start of your work, and to carefully and consciously seek to both **inform** and **involve** your key constituents at every step of the process. The following recommendations from ICTJ's publication, *Making an Impact*, capture essential points to keep in mind as you move forward¹⁰:

- Outreach activities should work not only to disseminate information to the public, but also to **create forums for two-way communication** through dialogues, consultation, and participatory events at all stages of the TJ process. This is essential to promote local ownership of the measure, address the concerns of affected communities, and ensure that the TJ program will take their needs and preferences into account.
- Operationally, the importance of outreach should be reflected in a commission's founding documents, and outreach programs should be organized within an independent office with a **dedicated budget**. It is imperative to create regional or itinerant outreach offices as well, to improve engagement with more remote areas that have been affected by abuses.
- Outreach activities should **begin as early as possible**, and a strategic plan should be formulated at the outset that analyzes the social and political context; identifies priorities, goals, challenges, resources, and potential partners; and creates a comprehensive but flexible plan of action.
- Interaction with the community may be fostered through town hall meetings, internet resources, rural fairs, radio programs, and cultural activities including theater and public art contests. Educational activities targeting youth and academia, and consultative processes such as listening circles, surveys and workshops are key elements of a successful outreach program.
- Outreach programs should **distinguish between the different audiences** that they should target. Each of these groups may respond better to different types of engagement, and they may have different needs or present different potential contributions and obstacles to the TJ process.
- Coordination and **partnerships with organizations** such as civil society groups and NGOs may be vital to expand the resources, knowledge, and capabilities of outreach programs. However, outreach programs should not rely excessively on outside organizations, and they should recognize the variety of mandates and potential competitive dynamics among local and international groups.
- **Media groups are a critical constituency**, and they should be provided with the necessary training, access, and updated information to enable them to cover TJ processes productively. Outreach programs should take a proactive approach to media relations, rather than simply reacting to criticisms as they occur.
- Outreach programs should take follow-up and legacy programs into account from the beginning, so that they can **lay the foundation for future work**.

¹⁰ Ramírez-Barat, Clara. [Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice](#), International Center for Transitional Justice, 2011. p. 4

ICTJ Background Papers for Vermont Truth and Reconciliation Commission

Paper 5: Truth Commission Guiding Documents Thinking about Rules, Procedures, and Safeguards

Prepared by Elena Naughton, May 2023

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Introduction

The guiding documents of a truth commission, including its mandate, rules of procedures, bylaws, practice directives, and/or regulations lay out the operational aspects of the commission’s work. These documents can help the commission reach its objectives and provide certainty to all who engage with it, including staff, survivors, witnesses, cooperating entities, and researchers. They are essential tools for avoiding confusion, saving time, and ensuring compliance with applicable law.

The types of guiding documents (e.g., procedures, protocols, bylaws) and topics covered in them vary by commission. There is no rule of thumb as to what topics should be covered, nor is there a model set of truth commission rules, practice directions, protocols, internal bylaws, or regulations. Instead, their scope and content are ultimately guided by the commission’s mandate, terms of reference, applicable law, and the commission’s strategic and operational plans – and the objectives, deliverables and standards detailed therein.

Often, they establish the principles and roles that will govern the commission’s processes, including for instance the organization of meetings, duties and responsibilities of commission members and staff, the formation of committees, the receiving of testimony, including protocols for protecting witnesses. Some of these documents may be internal documents governing finances, administration, building maintenance, physical security, transport, and logistics etc. All should ensure the efficient, effective, and ethical administration of the commission’s mandate, be well known by staff and commissioners, and, depending on their nature and format, where possible, made easily accessible to all, including the public.

Vermont's TRC ACT

The Act creating the Vermont Truth and Reconciliation Commission, Law No. 128, 2022 (the TRC Act), is the legal mandate and gives the commissioners wide latitude over how to carry out their powers and duties, with the proviso that they do so in a way that is “open, transparent, inclusive, and meaningful.”¹

To carry out those duties, the Commission is directed to adopt—

- “**Rules** in accordance with **3 V.S.A. chapter 25** as necessary to implement the provisions of this chapter.”
- “**Procedures** as necessary to carry out the duties set forth in subsection (a) of this section.”²

In addition, the TRC Act expressly requires the Commission to adopt “procedures and safeguards” relating to Private Proceedings “to ensure to the greatest extent possible that it does not conduct any interview in a manner that is open to the public if the interview will reveal the identities of individuals other than the interviewee without the express, written consent of those individuals.”³ These “procedures and safeguards” are to supplement the “Access to Information” and “Confidentiality” provisions under section 909.

Consistent with the duty to adopt rules, procedures, and safeguards, the commissioners should consider which specific powers and duties, in addition to those relating to Private Proceedings, require implementing rules and principles to govern its organization and sound functions.

A close reading of the TRC Act and a review of other truth commissions’ guiding documents suggests some areas where it may be helpful to define rules or procedures—

- Values of the Commission, including a code of conduct, ethics, and/or standards of behavior (e.g., conflicts of interest).
- The establishment of committees and fulfilment of their objectives, see, e.g., section 906(a)(3).
- The holding of “hearings at any place in” Vermont, section 906(b)(4).
- Consultations with “local, national, and international experts,” section 906(b)(5).
- Interviewing and taking statements from members of the identified populations and communities, members of the public, and persons with knowledge of the institutional, structural, and systemic discrimination,” section 906(b)(6).
- Entering into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States” or of Vermont, section 906(b)(8).
- Principles of confidentiality for protecting information and for protecting privacy, section 909.

Before moving forward to define rules and procedures, it might be good to consult with Legislative Counsel or another legal advisor about the application of existing Vermont laws and/or practices. This step may save you time by reducing or perhaps eliminating the need for promulgating new commission-specific policies and prevent the commission from inadvertently failing to comply with governing state laws and practice.

Particularly important in the short-term is the applicability of Vermont’s Administrative Procedure Law, 3 V.S.A. chapter 25, the statute referenced in the TRC Act’s rulemaking provisions, 906(b)(1), and its procedural requirements for adopting rules.

¹ Section 906(a)(7)).

² Sections 906(b)(1) and (2).

³ Section 909(d)(2).

In addition to Vermont’s Administrative Procedure Law, there are and may be other existing Vermont laws that may be helpful to you or with which you may need to comply. For instance, the TRC Act also references the [Public Records Act](#), in section 909 on Access to Information and Confidentiality. Also operable and/or of interest may be the [State Code of Ethics, S.171 \(Act 102\)](#), which was signed into law in May 2022 and applies to *inter alia* “all individuals appointed to serve on State boards and commissions;” the [Open Meetings Law](#); and [Witness Information For Legislative Hearings](#).

These and other policies and practice guidelines may help guide the commission’s operations or serve as models when drafting commission rules and procedures.

Comparative Examples

The inner workings of truth commissions are rarely a matter of public record and, as such, the rules and procedures that govern their operations are not always available for review and download online. However, ICTJ has gathered comparative examples from past and present truth commissions, both in the US and abroad, that may offer some guidance:

- Truth, Racial Healing & Transformation Initiatives: [Truth, Racial Healing & Transformation Implementation Guidebook](#), <https://wkkf.issuelab.org/resource/truth-racial-healing-transformation-implementation-guidebook.html>
- The mandate of Canada’s Truth and Reconciliation Commission, Schedule N to the Indian Residential Schools Agreement contains for instance provisions relating to events and testimony-taking/truth sharing and privacy and confidentiality concerns of interviewees: <https://www.residentialschoolsettlement.ca/settlement.html>
- See National Peace and Reconciliation Commission Regulations, 2018 from [Zimbabwe, which although not all relevant to Vermont](#), include provisions relating to values of the commission; the establishment of committees and units; cooperation with other bodies; code of conduct; the handling of victims; communication and outreach; security policies; confidentiality of information; the lodging, acknowledgment, and assessment of complaints; hearing; victim support at hearings; witness and victim protection; and statement taking.
- Under separate cover, we will also provide regulations from entities that are no longer available online, including Kosovo’s Commission on Missing Persons and the Code of Conduct for Nepal Commission of investigation on Enforced Disappearance Persons, 2070. Among other things, Kosovo’s Rules address for instance commission meetings and decision-making; meeting rules; public participation at meetings; decision-making; conflicts of interest; and competencies and functions of staff, including of the administrative officer.

For additional background about truth commission mandates and processes, see ICTJ’s guide [Truth Seeking Elements of Creating an Effective Truth Commission](#).

Establishing Committees

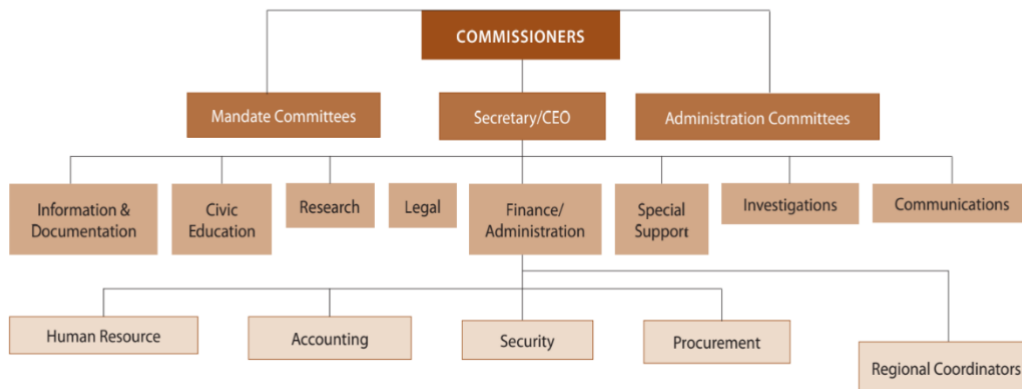
Committees or subcommittees, whether permanent, ad hoc, or specific purpose, are organizational features of many truth commissions. In most instances, as contemplated here, they usually operate under the supervision of the commissioners. For example, the law establishing the South African commission determined that it would be divided into three specialized committees, dealing with research, reparations, and amnesty procedures. Kenya’s Truth, Justice, and Reconciliation Commission established seven committees it considered necessary for the better performance of its functions, under two broad categories: mandate and administrative committees.

- **Mandate committees** were responsible for guiding, both conceptually and practically, the Commission’s execution of its substantive mandate. There were four such committees: Human Rights Violations Committee; Reparations and Rehabilitation Committee; Reconciliation Committee; and Amnesty Committee.

- **Administrative committees** provided policy guidance for the daily functioning of the Commission. Three committees and one sub-committee were established for this purpose: Committee on Finance and Administration and its sub-committee on Recruitment and Human Resources; Committee on Logistics, Security and Procurement; and Committee on Communications and Civic Education.

All operated under the formal supervision of the Commissioners.

Chart 1: **Organogram**



Under Vermont’s TRC Act, the commissioners are to establish “one or more” substantive committees focused on “populations and communities in Vermont” who experienced discrimination:

- Individuals who identify as Native American or Indigenous
- Individuals with a physical, psychiatric, or mental condition or disability and the families of individuals with a physical, psychiatric, or mental condition or disability
- Black individuals and other individuals of color
- Individuals with French Canadian, French-Indian, or other mixed ethnic or racial heritage
- Other populations and communities that have experienced institutional, structural, and systemic discrimination caused or permitted by State laws and policies.

The commissioners are required both to select the committee members and to operationalize their work. The TRC Act specifies that the commissioners are to “develop and implement a process for each committee” to fulfil their objectives, and to determine the “scope and objectives” of their work. The delineation of the processes, scope, and objectives of the committees could be among the things spelled out in advance of their formation in the Commission’s guiding documents..

When doing that, the Commission might want to consider among other things the level of discretion it will delegate to the committees to regulate their own procedures, for instance when deciding on the time and manner of meetings and for determining the requisite quorum, an important rule given that the committees may vary in size under Vermont’s TRC Act.

It would also be important to consider issuing clear directives mandating that committee members must abide by the Commission’s guiding principles, values, and the laws of Vermont.

Obligation to Cooperate by Instrumentalities of Government

The particularities of how a commission operates are affected by the scope of its mandate and by the role if any that other agencies of government, consultants, or private organizations or individuals have in its functions.

Under section 909(a)(1) of Vermont’s TRC Act, the Commission is granted broad “access to and the right to copy any record or other information held by all executive, administrative, and judicial agencies and departments and all instrumentalities of the State.” That provision also requires all the instrumentalities of State to “cooperate with the commission,” and provides unrestricted access to State records for the purposes necessary to fulfil the commission’s legal mandate, eliminating the need for the Commission to seek and enter into agreements with the relevant governmental agencies.

At the same time, the Commission is empowered to “enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the provisions of this chapter.”

The Commission’s staff attorney will have an important role in determining when and whether cooperative agreements are necessary, and the scope of those agreements. For instance, in other country contexts, truth commissions and commissions on the missing have developed agreements with other governmental agencies in the form of Inter-Administrative Cooperation Agreements “in order to agree on the terms for exchange of information between both entities and to facilitate compliance with the provisions” of the applicable law.

These agreements can determine for instance the extent to which the cooperating government agency or private organization will conduct the research themselves, using their researchers and resources, or whether Commission’s staff or consultants would instead be responsible, and resolve questions about whether the costs associated with that research would be charged against the Commission’s budget.

It might also be helpful to consider the potential for conflicts of interest and develop research protocols to prevent against research bias and ensure the independence of the Commission’s final work.

Safeguards For Taking Testimony and Protecting Interviewees and Witnesses

As already mentioned, existing Vermont law and practice may already include policies and protocols for safeguarding interviewees and witnesses appearing before State Commissions. For instance, courts usually have protocols to ensure the safety and wellbeing of the witnesses who appear before them and often provide for a wide range of support and protective measures to be made available to civil parties, victims, and witnesses who participate in court processes.

In general, these measures serve two important purposes: (1) to protect the privacy and physical safety of witnesses, and (2) to ensure the psychosocial, emotional, and sometimes medical well-being of victims and witnesses.

Similarly, and in keeping with these practices, a number of truth commissions and commissions on the missing provide mechanisms for ensuring that individuals who appear before them in a public hearing or provide testimony are protected:

Sri Lanka

Sri Lanka’s Law on Missing Persons for instance provides measures for protecting witnesses and victims appearing before the Office of Missing Persons (OMP):

- *video-conferencing facilities* (empowered to “procure and receive statements, written or oral, and to examine persons as witnesses, including video-conferencing facilities”)⁴ and

⁴ Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, 12(c)(i).

- *in camera proceedings* (“to establish a process to accept confidential information or information in camera, if required, to help ensure personal security for victims and witnesses”).⁵

It also provided for the development of a formal victim and witness protection system consistent with its Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015. That victim and witness protection system included the creation of a separate Victim and Witness Protection Division within the OMP “that shall protect the rights and address the needs and concerns of victims, witnesses and relatives of missing persons.” That Division is headed by an executive officer appointed by the OMP. The Division is empowered to—

- take all appropriate measures to ensure the protection of victims and witnesses who engage with the OMP,
- provide or facilitate the provision of administrative services and welfare services including psycho-social support to victims, witnesses, and relatives of missing persons,
- inform victims and witnesses of all the uses or potential uses, of information provided,
- coordinate with other law enforcement agencies where it deems necessary.⁶

Nepal

In Nepal, a victim, complainant, or person assisting in the work of that country’s commission on the missing – Commission of Inquiry into Enforced Disappeared Person (CIEDP) – can request that provisions be made “for the security of his/her person or family stating that there is a threat in the security of his/her person or family in the course of investigation.” These provisions include:

- (a) To make necessary arrangements for security,
- (b) To provide protective measures under the authority of a government office,
- (c) To arrange for temporary shelter in a secured place,
- (d) To provide a secure place in coordination of security agencies,
- (e) To arrange for collective security,
- (f) To make other arrangements considered to be appropriate by the Commission.⁷

When making those arrangements, the office must ensure that the “security arrangement” does not “impede” the “psychology or dignity” of a woman, disabled or incapable person, senior citizen, child, or victim of sexual violence when they seek special measures.

In addition, the CIEDP was also empowered to ensure the security or wellbeing of a witness or any other person by taking testimony or a statement from that witness by using “video conferenc[ing], examining him/her without allowing the accused to see him/her or by distorting his/her voice through electronic medium or examine him/her or make his/her identification in the place other than the office of the Commission.”⁸

⁵ Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, 12(c)(ii).

⁶ Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, 18.

⁷ Rules of the Commission of Investigation on Enforced Disappearance Persons, 2070 (2016), Article 28(3).

⁸ Article 28(6) and (7)

Conclusion

Initially it can be overwhelming to think through the numerous rules and procedures that need to be established at the start of a truth commission. The challenge commissioners face is that in some ways you are tasked with setting up a new organization in a very short period. To help ease this process, ICTJ advises to first establish your vision and strategic priorities with a focus on highlighting the modes of work you will be using to fulfil your mandate. That analysis will in turn inform the types of guiding principles, rules, and procedures you will need to develop. The next step (or this can be done simultaneously) is to consult with legal counsel to determine which rules and procedures already exist to spare you extra work of developing an entirely new set of documents. You will also want to determine of the rules that already exist, what margin exists to adapt them to your needs. Beyond the rules and procedures that you are legally bound to, you may also want to look to other organizations outside government that have similar mandates as the Vermont TRC to ask them if they are willing to share some of their internal guiding documents as a model for your own work. Finally, one other key point to remember for all your work, is to build in space for reflection and adaptation as the work evolves. Since you cannot predict all your needs now, we advise planning to review your guiding documents after an initial period of work (6 months or so) to assess what is working and what needs to be adjusted or created.