

# Safeguarding Truth: Supporting Children's Participation at Truth Commissions\*

Sameer S.J.B. Rana<sup>†</sup>

Kelebogile Zvobgo<sup>‡</sup>

*Journal of Human Rights* pre-publication version

## Abstract

Children are among the most vulnerable groups during periods of repression and conflict, and their exposure to violence can have long-term effects on their development, including how they manage and express feelings of fear, anger, and shame. Children's engagement in subsequent transitional justice processes, such as truth commissions, can also shape their development and that of their nations, but for the better. Surprisingly, little scholarship considers how commissions have been designed to effectively and responsibly secure children's involvement, notably their testimonies. We develop a design-based theory of children's participation in commissions. We then probe, through case studies of the commissions in South Africa, Timor-Leste, and Sierra Leone, the influence of three institutional features on children's participation: (1) provisions for children in the mandate, (2) targeted outreach, and (3) measures for protection and psychosocial support. We find broad support for the theory and conclude by discussing the implications of the evidence for scholars and practitioners.

---

\*For helpful comments on previous drafts, we thank Pamela Bromley, Pierre Englebert, Heidi Nichols Haddad, and editors and reviewers at *The Journal of Human Rights*. We also wish to thank Alexandra Byrne, Gabrielle DeBelen, and Bilen Zerie for excellent research assistance. Earlier versions of this article were presented at Pomona College and the 2019 International Studies Association Midwest Annual Conference. This work is supported by fellowships from the University of Southern California (Provost Fellowship in the Social Sciences) and William & Mary (Global Research Institute Pre-doctoral Fellowship). In addition, this material is based upon work supported by the National Science Foundation Graduate Research Fellowship Program under Grant No. DGE-1418060. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the National Science Foundation.

<sup>†</sup>School of International and Public Affairs, Columbia University, [sameer.rana@columbia.edu](mailto:sameer.rana@columbia.edu).

<sup>‡</sup>Government Department, William & Mary, [kzvobgo@wm.edu](mailto:kzvobgo@wm.edu).

## Introduction

Since the 1970s, scores of truth commissions have been established in a variety of contexts to account for political violence. These include post-conflict states, transitional democracies, consolidated democracies, and even autocracies (Olsen, Payne, and Reiter 2010; Binningsbø, Loyle, Gates, and Elster 2012; Zvobgo 2020). Commissions are tasked with supporting accountability, individual healing, and collective reconciliation. They review documents, gather witness testimony, and produce a report with recommendations (Gibson 2004; Ben-Josef Hirsch, MacKenzie, and Sesay 2012). Victims are at the center of truth commission projects globally. Truth seeking and truth telling are intended to support them, their families, and the broader society (Roht-Arriaza 1995; Minow 1998). However, there is an important group that is often overlooked<sup>1</sup> in both the scholarship and practice of truth commissions and transitional justice (TJ) more generally: children.<sup>2</sup> This is a striking oversight, as their engagement is crucial to accountability, healing, and reconciliation.<sup>3</sup>

Children are among the most vulnerable groups during periods of repression and conflict, and their exposure to violence can have long-term effects on their development, including how they manage and express fear, anger, shame, anxiety, and posttraumatic stress (Macksoud and Aber 1996; Machel 2001; Johnson and Thompson 2008; Gäbler and Maercker 2011). Children's exposure to violence can increase risk-taking attitudes and behaviors, and it can normalize violence to the point that former victims perpetrate violence themselves—within their family units, communities, and countries (Li and Wen 2005; Blattman, Hartman, and Blair 2011). The effects rarely subside on their own or go away quickly; they can last for years and affect future generations (Cardozo, Vergara, Agani, and Gotway 2000; Pham, Weinstein, and Longman 2004). As an example, leaders who experienced wartime violence as children are more likely to initiate militarized interstate disputes (Ellis 2016).

Likewise, children's involvement in TJ processes like truth commissions can shape their development and that of their nations, but for the better. Acknowledging and listening to experiences of violence can alleviate trauma (Hayner 2011), and an apology by an official body like a commission

can be very powerful (Ntsebeza 2000), as adults—those entrusted with the care of children—recognize that some among them breached their responsibility. Acknowledgment and apologies can also indicate a commitment to nonrecurrence. In this way, children’s engagement in TJ processes can support a firmer and safer foundation for their individual and collective futures.

Notwithstanding, the idea of recovering children’s voices and affirming their subjecthood through truth-seeking and truth-telling exercises can contradict, and even collide with, the idea that children are vulnerable and require protection; that they are objects rather than subjects; and that their involvement in such processes is unimportant, even undesirable (see Watson 2009; Siegrist 2010; Smith 2010; Jacob 2014; Ladisch and Ramírez-Barat 2014; Beier 2015, 2019). However, insofar as children are sometimes used to advance political interests or are the victims of said interests, we should not dismiss them or their contributions in proceedings affecting them (Brocklehurst 2006).

This article has three central aims: first, to argue the importance of children’s involvement in TJ; second, to propose how truth commissions in particular can be designed to effectively and responsibly secure children’s participation; and, third, to describe how commissions have been designed to engage children, and to evaluate the extent to which commissions have been successful, particularly with regard to statement taking. Prior research has shown that special measures for safety enhance victim participation (Minow 1998; Stahn 2005; Nesiha 2006). However, existing studies have tended to subsume children’s participation within general victim participation. Yet children represent a distinct victim class, with unique vulnerabilities and needs in TJ processes and institutions.

First, we argue that, in addition to personal benefits to child participants in truth commissions, children’s involvement affords commissions operational benefits. Children’s testimonials can ensure that a commission’s investigation and final report are as comprehensive and accurate as possible. Furthermore, first-hand accounts can support a comprehensive framework for relief and redress. Pursuant to their mandates, commissions recommend institutional reforms,

reparations, and other remedial interventions. In order to make the most pertinent proposals possible, commissions must thoroughly document experiences of violence, including and especially of children. Moreover, children's participation offers the broader society social and political benefits. Children's statements can expand a society's understanding of past violence, change the perception that they cannot be active participants in or contributors to political processes and institutions, and make the implementation of commissions' child-focused policy recommendations more likely (Watson 2009; Scullion 2013; Beier 2015, 2019).

Second, we develop a theory of children's participation in truth commissions, with a focus on commission design (see, e.g., Oduro and Nagy 2014; Zvobgo 2019). Innovating on the scholarship investigating design features that may support the participation of victims in general, we offer a set of features that may support the participation of children in particular. Specifically, we present features that increase access to the commission itself while attenuating the social and psychological costs of children testifying about their experiences of violence. Given variation in children's (and their guardians') ability and desire to participate in a commission, using these features will likely enhance participation.

Third, we describe the presence (or absence) of three institutional features that could enhance children's participation in commissions—namely, (1) provisions for children in the mandate, (2) targeted outreach programs, and (3) special measures for protection and psychosocial support—in three key cases: South Africa, Timor-Leste, and Sierra Leone. We then evaluate through comparative case studies the influence of the features on children's participation. The three commissions vary along several important dimensions, including the types of political violence they were tasked to address: race-based authoritarian government, foreign occupation and conflict, and civil war. The commissions also vary in terms of the presence (or absence) of the three features and the rate of children's testimony relative to all testimony.

## Children, violence, and transitional justice

Children are among the most vulnerable populations during periods of political violence. They can be affected directly, through killings, abduction, rape, and forced recruitment by armed groups. They can also be affected indirectly, through displacement, inadequate nutrition and health care, interrupted education, and the psychological and emotional trauma of witnessing abuses, injuries, deaths, and funerals (Ichino and Winter-Ebmer 2004; Morgos, Worden, and Gupta 2007; Blattman and Annan 2010; Blattman 2012; Kesternich, Siflinger, Smith, and Winter 2014)

Although children are part of the accounts compiled and published by truth commissions, they are often subsumed within the general population of victims (Minow 1998; Stahn 2005; Nesiah 2006). We problematize this convention and propose that children represent a distinct victim class and should be treated as such. In addition, we draw on various international legal instruments and principles to argue that children have a specific right to participate in TJ processes. What is more, there are several noteworthy personal and operational, as well as social and political, benefits associated with children's participation.

### *Treating children as a distinct victim class*

Exposure to violence can shape children's lives<sup>4</sup> and the trajectories of their nations<sup>5</sup> in a manner distinct from adults. Children's exposure to violence operates "in the context of developmentally shifting modes of expressing their own aggressive impulses and feelings" (Marans, Berkman, and Cohen 1996: 107) and can increase risk-taking attitudes and behaviors (Li and Wen 2005; Blattman et al. 2011). Children's exposure to violence can also "have a normalization effect manifesting in a desire for violent revenge" (Ellis 2016: 6). Crucially, these effects "do not resolve spontaneously, but may linger for many years, and may even have multigenerational effects" (Cardozo et al. 2000: 356). Accordingly, children represent a distinct class of victims, with unique experiences, vulnerabilities, and concerns that truth commissions, among other TJ modalities, can partly address by soliciting

their participation, notably their testimonies. Critically, children have a specific right to participate in these processes, a right that has been enshrined in a variety of international legal instruments, principles, and declarations.

### *Legal and normative foundations for children's participation in transitional justice*

Like adults, child victims of human rights violations have the right to truth, justice, reparations, and guarantees of nonrecurrence. These rights have been established in case law from the InterAmerican Court of Human Rights and the European Court of Human Rights,<sup>6</sup> as well as the principles on combatting impunity developed by the UN Commission on Human Rights.<sup>7</sup> Children's right to TJ is also underscored in the 2007 Paris Principles on Children Associated with Armed Forces or Armed Groups, the 2009 Key Principles for Children and Transitional Justice, and the 2013 Kampala Recommendations on the Recovery and Reintegration of Children and Youth Affected by Armed Conflict. Implicit in the expression or enjoyment of this right is the right to be included and to participate in TJ processes themselves.

### *Extending the Convention on the Rights of the Child*

Article 12 of the 1989 Convention on the Rights of the Child (CRC) obliges states to provide children opportunities to express their views and to have them considered in any proceedings affecting them.

#### *CRC Article 12*

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Given that child victims are within the purview of TJ policies and institutions, they have a right to participate in them (Smith 2010). To be sure, there are barriers to implementation of Article 12, two

of which merit discussion here. First, there is limited awareness of the provision, even among professionals who work with children. Although these professionals consider children's participation in proceedings affecting them to be a "best practice," many do not know that it is actually a right that has been promulgated in international law (Lundy 2007). Besides uneven knowledge of the CRC, there are tensions within the treaty itself and among other legal instruments, frameworks, and principles endorsing children's participation (Lücker-Babel 1995; Stahl 2007; Krappmann 2010). For instance, Article 3 of the CRC requires states to prioritize a child's "best interests." The best interests of the child is a substantive right, an interpretative principle, and a rule of procedure. Accordingly, in all proceedings involving children, there is a need to conduct a best-interests assessment and determination. Although the enumeration of best interests does not assume that guardians know what is best, some previous research has discerned that Article 3 may, in effect, be used to bypass or override Article 12, disallowing a child's participation if, for example, his or her parent or guardian, or even a representative of the state, deems it to not be in his or her best interest.

### *CRC Article 3*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Notwithstanding, Article 3 cannot be used to disallow all participation, just as Article 12 cannot be used to allow all participation. Lundy elaborates, "[W]hile children's best interests must be a primary consideration, their right to have their views given due weight cannot be abandoned on the basis that the adults in their lives know what is best for them" (2007: 938).<sup>8</sup> Adding to this discussion,

the Committee on the Rights of the Child, which monitors compliance with the CRC, stipulates in General Comment 14 that a child's own views be taken into consideration when assessing his or her best interests. So, even if he or she does not participate in the main proceedings, his or her voice is still protected and his or her perspective must be duly considered. Critically, CRC General Comment 14 emphasizes the importance of a child's ability to report abuse and other ill-treatment, which is fundamental in post-violence settings. One could even argue that disallowing his or her participation perpetuates the harms he or she experienced, aiding and abetting those who harmed him or her.

### *The state of scholarship and practice*

Despite the enumeration of a specific right to TJ and the importance of regaining children's voices and validating their subjecthood, children's participation in TJ is often overlooked in scholarship and in practice. In terms of the practice of TJ, a child-sensitive lens has been missing in many instances. This is due in part to the well-intentioned but sometimes harmful belief that children are vulnerable and require protection, that they are objects rather than subjects (Brocklehurst 2006; Watson 2009; Jacob 2014; Beier 2015, 2019). There is also a widespread misconception that engaging children and youth in TJ is not important. Consequently, children's particular needs in these processes have not been identified and operationalized in many cases. This, in turn, has made it difficult to effectively engage children; attain a full understanding of the past; and, through appropriate policy recommendations, establish the foundations for a sustainable, positive peace (Aptel and Ladisch 2011).

In terms of the scholarship on TJ, the scarcity of studies on children's participation likely proceeds from the fact that, in many places in the world, children are not viewed as active participants in or contributors to political processes and institutions (Watson 2009; Scullion 2013; Beier 2015, 2019). Consequently, their involvement has been underappreciated and the benefits understated. We aim to change this. Below, we outline the personal, operational, social, and political benefits of children's participation in truth commissions. We focus on commissions because they are uniquely

situated among TJ mechanisms to support individual healing and reconciliation (Roht-Arriaza 1995; Minow 1998; Ntsebeza 2000), important goals with respect to children especially. Commissions also tend to precede other modalities of TJ (Powers and Proctor 2016; Bates, Cinar, and Nalepa 2020; Balcells, Palanza, and Voytas 2021) and, due to their participatory nature, commissions are a more natural venue to involve children (Capone 2011; Roche-Mair 2017).

### *Benefits of children's participation*

During periods of widespread violence, there are few, if any, opportunities and resources for children to process the events unfolding around them. Truth commissions represent an opportunity—a rare opportunity—for children to grapple with these events. In addition to documenting violence and abuses that children have suffered, commissions can offer them a range of benefits.

Commissions can provide children a safe environment in which to express complex feelings related to their experiences of violence—feelings like fear, guilt, and self-blame—and a means by which to work through them—notably, testimony. Through the truth-seeking and truth-telling process, children can learn that their voices matter; that what happened to them was wrong and not their fault; and, very importantly, that they are not alone in their experiences.<sup>9</sup> Prior research has emphasized “being listened to” as an important need among survivors of violence, especially children (Haydon 2008: 420).<sup>10</sup> Listening is necessary for real acknowledgment. This can, in turn, alleviate feelings of shame and loneliness, and counter a “conspiracy of silence” that exacerbates trauma and fuels conflict (Hayner 2000; Ntsebeza 2000). Acknowledgment and apology by an official body can be particularly powerful, as adults in a child’s community and country confess a breach in their responsibility to care for children. Acknowledgment and apology also suggest a commitment to non-repetition.

There are also operational benefits associated with children’s participation, including and especially the ability to construct the most comprehensive and most accurate account possible.

Documenting first-hand accounts is often the most effective way to capture specific experiences of violations (Aptel and Ladisch 2011). Bringing children into processes like commissions can “broaden and enrich our understanding of conflict” (Brocklehurst 2006: 173). Although parents, guardians, and representatives of non-governmental organizations (NGOs) can speak on behalf of children and their best interests, their participation is no substitute for children’s.

Related to the personal and operational benefits are the social and political benefits of children’s participation. Direct involvement can contribute to children’s understanding of human rights, and it can support their political development and socialization as active citizens (Ramírez-Barat 2012). This is vital as countries grapple with and move on from a violent past. One can only become part of the solution and not the problem when one is included, not marginalized. Here, it is important to consider children’s potential roles as peacebuilding agents, rather than view them simply as victims (Martuscelli and Villa 2018). Children’s testimonials can also spur a framework for relief and redress that is tailored to their needs, concerns, and vulnerabilities. In this way, commissions can help change the perception that children are objects of, and not agents in, political processes and institutions.

Because children represent a distinct victim class with specific rights of participation enshrined in international legal instruments, principles, and declarations—and given the range of potential benefits related to their direct involvement in truth commissions—we argue that it is important to study their participation and explore the institutional design features likely to facilitate it. We propose three such features.

## Supporting children’s participation

The design of truth commissions matters for their success (Stahn 2005; Oduro and Nagy 2014; Solomon and Zvobgo 2020). Scholarship has illustrated how special measures for safety and privacy can enhance victim participation (Minow 1998; Gonzalez and Varney 2013). However, there is little

investigation of features necessary to effectively and responsibly secure the participation of children in particular. What is more, no scholarship has theorized and subsequently explored the influence of a set of features across commissions.

Children may participate or not participate in commissions for a variety of reasons—many of which are not explored in this article, such as personal fear or being disallowed to participate by parents or guardians.<sup>11</sup> We cannot determine and assess the relative interests and abilities of each and every child participant. However, we do expect that certain institutional features facilitate children’s testimony (Stahn 2005; Nesiah 2006).<sup>12</sup>

Among a range<sup>13</sup> of modes of participation in commissions, we focus our analysis on statement giving. Commissions collect the bulk of their primary information through witness statements, which they use to quantitatively track trends and patterns of violations, and qualitatively capture particular experiences (Hayner 2000, 2011). Statement giving is also the most clear and direct way for marginalized victims, like children and youth, to have a voice in the process. Certainly, parents or guardians and civil society groups have much to contribute to the historical narrative as it pertains to children. However, there can be no substitute for children’s voices. Soliciting children’s narratives affirms to them and to the broader society that they have agency, their voices matter, and they can contribute to their countries in important ways.

Few truth commissions have had a focus on children in their research and activities (Aptel and Ladisch 2011). This is partly due to the reality that, in many places, by the time a political transition occurs and TJ tools are implemented, many people who experienced violence as children are adults (UNICEF Innocenti Research Centre and International Center for Transitional Justice [ICTJ] 2010). This is also due to apprehensions about directly engaging children in TJ. Nevertheless, the strengthening of international frameworks on children’s rights have prompted commissions and other TJ institutions to devise strategies for child and youth engagement.<sup>14</sup>

We build on the victim participation literature and frameworks for ensuring compliance with children's rights to theorize design features most likely to support children's participation. We then provide a preliminary probe of the theory.<sup>15</sup> We introduce three features that should increase children's access to the commission process while attenuating the social and psychological costs of testifying. Specifically, we consider (1) provisions for children in the mandate, (2) targeted outreach programs, and (3) special measures for protection and psychosocial support.

It is important to note that, although a design feature may exist on paper, it may not actually be implemented. Although they are starting points for the analysis, institutional formalisms do not suffice to produce the predicted effects. Features must be both present and functional. We determine functionality by assessing the fulfillment of a set of criteria for each design feature. We describe these below. The criteria help us guard against finding effects that the features could not have produced. In so doing, we have greater confidence in the conclusions of this initial probe.

### *Mandates*

First, we propose that provisions for children in a truth commission's mandate<sup>16</sup> improve prospects for children's participation. Mandates that cover children and the types of violence they experienced enable a child-sensitive approach to setting the commission's priorities, staffing, and resource allocation (Gonzalez 2013). They also make the inclusion of child-specific recommendations in the final report more likely (Aptel and Ladisch 2011; Gonzalez and Varney 2013). Beyond preparing a commission to engage children, provisions for children in the mandate signal to children and their guardians that a commission is interested in hearing from them and learning about their experiences. Although omitting children from the mandate does not prevent a subsequent focus on them, it does not encourage children and their guardians to come forward; any subsequent focus or inclusion will likely be ad hoc and partial at best (Cohn 2001; Pigou 2010).

In order for this design feature to function as the theory predicts, we expect to see children referenced in the commission's mandate and for the commission to communicate to the public the focus on children.

*Mandate hypothesis (H1).* A mandate to address children enhances children's participation.

### *Targeted outreach*

Next, we suggest that children's participation depends in part on a commission's outreach efforts. Prior research has indicated that the nature and extent of commission outreach influences participation, of both victims and perpetrators (Lansdown 2011; Gidron 2015). In the case of children, the presence and operation of a commission may not be regularly discussed in environments in which they find themselves. Thus, child-focused outreach is a must.

In order for this design feature to have the intended effect, we expect a commission to engage in child-focused outreach that involves, for example, information campaigns conducted with schools, children's rights groups, and local organizations such as community houses, sports and activity clubs, and religious organizations (Ramírez-Barat 2012).<sup>17</sup> The information could be delivered via media such as radio, television, plays, and other presentations, as well as through physical items such as posters and t-shirts (Lundy 2007). Other useful media include brochures and short books (Gidron 2015). Ideally, these materials will be inclusive with respect to marginalized children such as refugees, orphans, and children with disabilities (Ramírez-Barat 2012).

*Outreach hypothesis (H2).* Child-specific outreach enhances children's participation.

### *Special measures for protection and psychosocial support*

Finally, we propose that measures for children's protection and psychosocial support will assist participation.<sup>18</sup> Documenting children's first-hand accounts requires that a commission alleviate fear, and there are a range of fears commissions can address in order to effectively engage children. These include fear of how the commission will collect testimonies, how others will respond, and how

children themselves will cope with the process and the information it elicits. We expect that special measures will attenuate these fears and, consequently, enhance children's participation.

First, children and their guardians may worry that a commission will not tend to and care for them in the manner that corresponds with their vulnerability. Several texts on best practices for dealing with children in TJ and non-TJ contexts like divorce and custody hearings indicate that collaborating with social workers and partnering with child protection agencies can relieve concerns about inadequate care and attention (Aptel and Ladisch 2011; Bell 2011). These professionals know how to make children comfortable and how to keenly, but safely, gain information— for example, by detecting nonverbal cues they have been trained to identify (Lundy 2007). Employing a staff trained in child-friendly working methods and procedures is also important. Such methods and procedures include working in a neutral venue and giving children information on the purpose, process, and agenda prior to their testimony (Lundy 2007; Bell 2011; Lansdown 2011).

A second fear is how others, within and outside the commission, will respond to children's statements. Prior research on victim participation highlights fears of public shaming, perpetrator retaliation, and community ostracism (Ntsebeza 2000). A commission that makes provisions for privacy, confidentiality of testimonials, and identity protection can decrease these concerns (Michels 2010; Gonzalez and Varney 2013). Relevant measures include closed hearings and statement giving from private cubicles during public hearings (Aptel and Ladisch 2011).

A third issue is how children themselves will cope with the process and the information it uncovers. Scholars and practitioners have expressed nontrivial concerns about children being retraumatized, even revictimized, as they share the details of the harms they have experienced. In response to these issues, commissions must not only uncover the facts but help children process them (Michels 2010; Lansdown 2011). We propose that counseling before, during, and after, the statement-taking process should enhance children's participation (Hirst and Linnarsson 2010).<sup>19</sup>

In order for this design feature to function as the theory predicts, we expect a commission to (1) put in place the people and resources necessary to implement measures for children's protection and psychosocial support and (2) communicate the measures to the public.

*Protection and support hypothesis (H3).* Special measures for protection and psychosocial support enhance children's participation.

## Case selection, data, and methods

We explore through comparative case studies the three institutional design features likely to facilitate children's participation in truth commissions. To determine our sample, we consider commissions that (1) were created after the adoption of the CRC and (2) conducted research on abuses relating to children through 2010. The CRC provides the legal foundation for children's right to participate in processes concerning them and holistic research on abuses relating to children requires their participation. Commissions that meet the two criteria provide for the strongest argument for children's participation and a useful setting to explore our theoretical propositions.

Five commissions compose the population from which we draw our sample: South Africa (1995), Sierra Leone (2002), Timor-Leste (2002), Liberia (2006), and Kenya (2009).<sup>20</sup> We open this research avenue by focusing on the first three and reserve the latter two and other subsequent commissions to future research. Studying early cases enables scholars to set a benchmark and assess improvements (or the lack thereof) in later cases. Crucial to our evolving understanding of commissions is determining if and to what extent countries are learning from one another.

South Africa, Timor-Leste, and Sierra Leone also vary along several important dimensions that make their commissions ripe for analysis and, potentially, extrapolation to other contexts. This variation includes the types of political violence addressed: race-based authoritarian government, foreign occupation and conflict, and civil war. In addition, the cases vary by geographic region—Southern Africa, Southeast Asia, and West Africa—as well as the parties that created the commissions. The South African commission was the product of a pacted democratic transition

between the National Party led by outgoing president F. W. de Klerk and the African National Congress led by incoming president Nelson Mandela. For its part, the East Timorese commission was created in response to civil society advocacy and sponsorship by the UN Transitional Administration for East Timor (UNTAET) following three decades of foreign occupation by Indonesia and related armed conflicts. And the Sierra Leonean commission emerged from peace negotiations between the government and the Revolutionary United Front (RUF), a process that formally brought to a close the 11-year civil war. Besides, variation in the presence (absence) of the three design features and variation in levels of children's participation provide strong grounds for the comparative analysis.

### *Children's participation at truth commissions*

We define "children" as persons under the age of 18<sup>21</sup> and "participation" as statement giving.<sup>22</sup> To measure the dependent variable, Children's participation, we rely on information in each commission's report. The dependent variable is the quotient of the number of statements listed as provided by children and the number of all statements made to the commission (by victims, perpetrators, experts, etc.).<sup>23</sup>

Of course, the ideal measure of child participation would be the number of statements from children divided by the total number of children who suffered abuses within a commission's mandate. However, commissions do not consistently disaggregate the overall population of victims into children and adults. Thus, the article's measure of children's participation (children's statements divided by all statements) is the best available indicator. To determine the measure's robustness, we develop a proxy measure of the population of child victims, Total victims.<sup>24</sup> Table 1 displays our definition and measurement. As seen in Table 2, the proxy measure generally supports the main measure and our ordering of the commissions—low, medium, and high levels of child participation for South Africa, Timor-Leste, and Sierra Leone, respectively.

As seen in Table 2, of 23,500 statements made to the South African commission, none were provided by children. Of 7,669 statements made to the East Timorese commission, six (or .08 percent) were provided by children. Of 7,706 statements made to the Sierra Leonean commission, 300 (or 3.9 percent) were provided by children. For purposes of comparison, wide variation between cases and their relative ordering matter more than precise percentages. Relative to one another, the South African, East Timorese, and Sierra Leonean commissions had low, medium, and high levels of child participation.

Table 1. Proxy measure of the population of child victims

Concept	Definition	Measurement
<b>Victims</b>	The number of individuals against whom abuses were perpetrated	Category 1 = 1,000 or fewer victims Category 2 = 1,001 to 100,000 victims Category 3 = 100,001 to 1 million victims Category 4 = 1 million+ victims

Table 2. Child participation rates by truth commission

Country	Main measure	Proxy measure: Victims
<b>South Africa</b>	Low participation 0 statements from children 23,500 statements 0%	NA Unquantifiable
<b>Timor-Leste</b>	Medium participation 6 statements from children 7,669 statements 0.08%	Category 3 102,800 victims
<b>Sierra Leone</b>	High participation 300 statements from children 7,706 statements 3.9%	Category 4 2.6 million victims

Source: Data from the respective truth commission mandates and reports supplemented by the United States Institute for Peace Truth Commission Digital Collection, reports from Amnesty International, Human Rights Watch, and the International Center for Transitional Justice, and Hayner (2011).

Table 3. Institutional features by truth commission, presence/absence (expected effect on participation).

	<b>South Africa</b>	<b>Timor-Leste</b>	<b>Sierra Leone</b>
<b>Mandate</b>	Absent (0)	Present (+)	Present (+)
<b>Outreach</b>	Absent (0)	Absent (0)	Present (+)
<b>Protection and psychosocial support</b>	Absent (0)	Absent (0)	Present (+)

### *Institutional design features*

As seen in Table 3, there is variation in the presence (or absence) of the three institutional features at the three commissions, which enables us to examine their influence on children’s participation. The small sample size and the multiple factors we consider influential for the outcome make case studies appropriate. In each case study, we link each design feature to children’s participation by first analyzing the fulfillment of the functionality criteria that we outlined. If the criteria are met, we assume that the design feature had the expected effect on participation. If the criteria are not met, we assume that the feature had a neutral effect. We then more directly connect design features to participation—for example, with observed changes in involvement following an outreach effort. For the analysis, we draw on each commission’s mandate and report. We also leverage documents from governments, children’s and human rights groups, regional and international organizations, and secondary accounts. Deploying multiple sources of data helps us triangulate evidence of the features affecting the outcome.

## Case studies

### *South Africa*

Children were on the front lines and were specific targets of state violence during South African apartheid (1948–1994). Although apartheid negatively affected the lives of all South African children, the consequences of violence, alongside poverty and racism, were particularly devastating for Black

children (Hickson and Kriegler 1991). Many Black children and youth were involved in the resistance struggle through school protests, boycotts, and other more radical actions linked to anti-apartheid structures, such as self-defense units (Pigou 2010). This made them targets for retaliatory killings, torture, detention, interrogation, abductions, exile, and harassment by the white minority regime and its security forces (South African Truth and Reconciliation Commission [SATRC] 2002: vol. 4, chap. 9). Children were also affected indirectly: They witnessed gross violations of human rights, had serious disruptions to education, and experienced other consequences of structural racism and violence.

The South African commission possessed none of the features likely to encourage children's participation. As we elaborate, the absence of children in the commission's mandate set it down the path of not receiving any testimony from children.

### *The mandate*

In the Promotion of National Unity and Reconciliation Act No. 34 of 1995, the South African parliament highlighted the importance of ordinary citizens' participation in the forthcoming commission. However, the Act failed to include any specific reference to children. The legislation's narrow focus on "gross violations of human rights" also sidelined other types of harms that many South Africans, including children, had suffered (Pigou 2010: 122).

As previously stated, neglecting children in the legal mandate does not prevent a subsequent focus on them, nor does it necessarily discourage children and their guardians from coming forward. However, once established, the South African commission itself decided to not take statements from persons under the age of 18. This was based on the advice of local NGOs working with children (Lundy 2007). These groups were concerned about intimidation and retraumatization. So, instead of receiving testimony from children, the commission relied on testimony from family members, NGOs, and professionals working with children.

The commission's decision to not take statements from children removed the practical need to engage in outreach and implement measures for children's protection and psychosocial support. Thus, we proceed to a discussion of the alternative means the commission devised to document children's experiences of apartheid.

#### *Alternative means of documenting children's experiences*

In May and June 1997, the South African commission convened six special hearings on the experiences of children and youth. The format of the hearings varied across regions but generally entailed facilitators presenting children's stories, child-focused organizations making formal submissions and oral statements, and adults testifying to violations they witnessed or experienced as children. The special hearings allowed attendees to reflect on and analyze apartheid and its impact on children. Children also participated in cultural and dramatic arts performances about the liberation struggle (Pigou 2010: 128). At the end of its work, the commission dedicated a chapter of its report to children, as well as a set of policy recommendations. However, this was an eleventh-hour remedy. Some child-specific recommendations have since been implemented whereas others—namely, a formal human rights curriculum in schools, reparations programs for children, and so on—have not been implemented (UNICEF Innocenti Research Centre and ICTJ 2010).

#### *Timor-Leste*

East Timorese children suffered a litany of abuses during the Indonesian occupation and ensuing armed conflicts (1974–1999). They were killed, sexually violated and exploited, arbitrarily detained, tortured, and unlawfully recruited as soldiers (Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste [CAVR] 2005: chap. 7.8; UNICEF East Timor 2001). Although both sides perpetrated abuses, Indonesian forces and their auxiliaries committed the lion's share of atrocities. Many children never returned to their families, even after the occupation and conflicts, due in part to a program of forcible displacement to Indonesia, which affected more than 4,000 East Timorese children (United

Nations High Commissioner for Refugees [UNHCR] 2004). Children were also affected indirectly—through illness, lack of adequate health care, disruptions to education, and other vulnerabilities. The negative impacts of both direct and indirect violations resulted in children suffering trauma and having a severe distrust in government and other institutions and authority figures (UNICEF East Timor 2001).

The East Timorese commission's participatory arm, known as the Community Reconciliation Program (CRP), collected testimonies across the nation. The CRP enjoyed one design feature likely to support children's participation: a provision on children in the legal mandate. However, as we describe, this provision was cursory and imprecise, leading to inadequate preparation for and engagement of children, and a nonzero but incredibly low level of child participation.

#### *The mandate*

One subsection of the East Timorese commission's mandate mentioned children, instructing that special measures be taken when specific groups of victims, such as women and children, testified at public hearings. Unlike in South Africa, where the commission sidestepped children's right to participate due to concerns for their well-being, the East Timorese commission simply dismissed children's right to participate. A consultant working with the commission did, with input from UNICEF, draft a manual on principles for children's involvement in commission activities (Hirst and Linnarsson 2010). Among other items, the manual detailed standards of legal protections based on the CRC, national legislation, and experiences from other countries. Regrettably, the policy was never finalized and implemented, let alone disseminated, and commissioners held no further discussions on children's participation. UNICEF and other children's rights specialists were excluded from most commission deliberations.

The superficial mention of children in the mandate did not imply that children would not come forward. Once the CRP began operating, children did get involved. However, this was on an ad

hoc basis and on a remarkably small scale. The commission reports taking statements from just six children.

*Outreach, protection, and alternative means of documenting children's experiences*

Although some children attended hearings and a small number participated in commission activities, this was not due to any special efforts by the commission. The commission did not hold any information sessions to communicate with or raise awareness among children; nor did it design and disseminate child-friendly outreach materials. Furthermore, there were no special measures or partnerships for protection and psychosocial support (Hirst and Linnarson 2010: 11). The commission did hold a public thematic hearing on children, with opportunities for creative expression. The hearing included testimony from one child, with a total of six children participating throughout the CRP. The witness in the public thematic hearing herself believes that it was a positive experience, but her mother believes that it retraumatized her. She received little support in the hearing: She was given preparation time but was not with her family, and her counselling sessions were with large groups of adults. And she received no follow-up support (Hirst and Linnarson 2010: 20). To partly address the participation gap, the commission conducted more than 100 interviews with adults who had experienced violence as children. Three expert witnesses were also brought in to testify about violations concerning children.

*Sierra Leone*

Children's rights were widely and systematically violated during Sierra Leone's bloody civil war (1991–2002). Children were victims of, witnesses to, and forced perpetrators in violence. They suffered abduction, rape and other sexual abuse, torture, mutilation, amputations, and killings. In addition, between 5,000 and 10,000 children were forcibly recruited as soldiers or worked in one form or another for the fighting forces, whether as cooks, porters, spies, sex slaves, human shields, or

manual laborers. Child combatants were indoctrinated and forced to perpetrate many of the same abuses that they themselves had experienced, often under the influence of drugs and alcohol (Sierra Leone Truth and Reconciliation Commission [SLTRC] 2004: vol. 3B, chap. 4). Children also suffered from the destruction of their homes and communities, subsequent displacement and separation, halted education, inadequate nutrition and health care, and emotional and psychological trauma.

The Sierra Leonean commission possessed all of the institutional features we identify as likely to encourage children's participation: provisions in the mandate, targeted outreach, and measures for protection and psychosocial support. Children were involved in all stages: planning and design, outreach and sensitization efforts, statement giving, closed district hearings, public thematic hearings, and opportunities for creative expression. These efforts led to approximately 300 statements, collected in collaboration with child protection agencies (SLTRC 2004: vol. 1, chap. 5).

### *The mandate*

In June 2001, the UN Children's Fund (UNICEF), the UN Mission in Sierra Leone (UNAMSIL), and the National Forum for Human Rights (NFHR) convened a technical meeting on children and how they were to be engaged in the commission. One core agenda item was analyzing how previous commissions had engaged children in their proceedings. Other topics included social attitudes toward war-affected children, reintegration of separated children, and the nature of violations carried out against children (Mann and Theuermann 2001). This meeting resulted in seven child-centered guiding principles for involving children in the commission, based largely on the CRC and the African Charter on the Rights and Welfare of the Child. These included protection through confidentiality and anonymity, and special attention to girls. The focus on children was communicated to the public through a range of outreach activities that we describe below.

### *Outreach*

The Ministry of Social Welfare, Gender, and Children's Affairs (MSWGCA) collaborated with the National Child Protection Committee (NCPC) and a range of civil society groups to spread awareness about the commission, communicating how children's participation could contribute to societal reconciliation and nation-building. One of these groups was the youth-led Children's Forum Network (CFN). CFN members, including child members, traveled around Sierra Leone to promote other children's participation in the commission, for instance by establishing truth commission clubs in schools and communities. The commission also undertook intentional sensitization activities to clarify the roles of and differences between the commission and the parallel Special Court for Sierra Leone in order to allay the mistrust of former child combatants who feared prosecution in the latter if they testified in the former (Cook and Heykoop 2010).

### *Special measures for protection and psychosocial support*

*Collaborating with child protection agencies.* Based on its child-sensitive mandate, the Sierra Leonean commission established a joint Framework of Cooperation with child protection agencies to both protect children and aid statement giving (Shaw 2014). Statements were collected on a one-on-one basis unless the child requested a parent, guardian, or social worker be present. Statement takers were either professional social workers or were trained to take statements from children (Dougherty 2004). This set a global precedent for collaboration between truth commissions and child advocacy and support professionals (Cook and Heykoop 2010). A vulnerability and safety checklist was also developed and implemented.

*Closed district hearings with children.* One day each week was reserved for closed hearings, designed to allow particularly vulnerable victims—for example, those who had suffered sexual violence—to testify in a larger but still private setting (SLTRC 2004: vol. 1, chap. 5). Regional coordinators sought each child's consent as well as the consent of his or her parent or guardian. The commission then

brought the child to the relevant district's closed hearing, where he or she received preparation support from a trained staffer and then spoke to a group of commissioners of the same sex. An interpreter, videographer, and counselor were also present. The group would try to establish rapport and create a comfortable and supportive environment for the child. This involved asking children questions about their background and families before proceeding to more specific, but still open-ended, questions about their experiences during the conflict. Children were also asked how they believed the commission could help them in terms of healing and reconciliation (Cook and Heykoop 2010). The commission then played extracts of select testimonies on Radio UNAMSIL and on television, with each child's identity remaining confidential (Siegrist 2010).

#### *Alternative means of documenting children's experiences*

*Public thematic hearings on children.* The Sierra Leonean commission additionally held a series of thematic hearings in the capital, Freetown, to address specific institutions, themes, and groups. The thematic hearings on children's experiences during the conflict took place in June 2003, coinciding with the Day of the African Child, with the aim of garnering a clearer understanding of and raising awareness about abuses relating to children, and to recommend actions to improve their lives. After a march through Freetown, hundreds of children attended the hearings. Children also exhibited drawings, performed dramas, and sang songs about life during the war (Siegrist 2010). In addition, the commission presented summaries of nine expert submissions from various children's rights organizations—two of which were child-led groups—on the direct and indirect effects of the conflict on children (Cook and Heykoop 2010).

*Avenues for creative expression and contribution.* The commission also engaged children through creative expression. A prominent example was the "National Vision for Sierra Leone" project, through which the commission gathered more than 250 contributions, including written and recorded essays, slogans, plays, poems, paintings, drawings, sculptures, wood carvings, and more. In addition to this

project, children participated in the development of a child-friendly version of the commission's final report—the first ever among commissions (Paulson 2006). A shorter and simpler version, it was agreed, would help children to better understand both what had happened in the past and what work the commission had undertaken to support truth and reconciliation, all with a view toward preventing recurrence (SLTRC 2004: vol. 3B, chap. 8).

## Summary of findings and implications

The neglect of children in the legal mandate opened the door for the South African commission to limit testimony to adults. Although concerns about intimidation and retraumatization were not necessarily unfounded, the decision to exclude children's direct testimony clashed with children's right to share their experiences and express their views (Brocklehurst 2006). Yes, the commission attempted to record children's experiences through alternative means—chiefly, the special hearings on children, statements from family members and professionals working with children, and testimony from adults who had been child victims. However, the commission's research was, by design and by choice, partial and incomplete.

Similar to the South African case, the minimalist reference to children in the East Timorese commission's mandate enabled it to neglect children in its proceedings. Although a policy on children's participation and protection was drafted, it was never completed or implemented. Thus, there were no measures and partnerships to reach out to prospective child participants or to protect those children who made their own way to the commission. Although the commission interviewed adults who had suffered violations as children, listening to and gathering direct input from those who were still children at the time of the commission's work could have contributed to a clearer understanding of how children were, and continued to be, affected by the occupation and conflict. This lack of intentional engagement meant that:

[C]hildren felt no connection to the CAVR [Commission] or its work and no ownership over the process. They [were] less likely to be among those taking an interest in the

Commission's findings or calling for implementation of the recommendations. By leaving children out of one of the significant institutional processes for nation-building—one that proposed a national identity built on human rights and historical understanding—a crucial opportunity may have been missed to ensure that young people are invested in that vision for Timor-Leste. (Hirst and Linnarsson 2010: 37)

The South African and East Timorese commissions display a paradox often seen in TJ and politics more generally: Children are simultaneously included but excluded, supported but undermined, seen but not heard. For instance, although the CRC—which provides the primary legal basis for children's involvement in proceedings concerning them—recognizes children's capacity to advocate for their own interests, children were given few opportunities to engage with the working group drafting the CRC (Holzscheiter 2010: 210). How can we have children's rights yet routinely sideline them?

In contrast, the Sierra Leonean commission considered children's rights, interests, and particular needs throughout the process. The explicit discussion of children in the mandate, and the need to attract and protect their testimony, shaped planning, design, staffing, training, and policy-making decisions. The 2001 technical meeting that followed led to child-centered guiding principles and partnerships with child protection agencies. More concretely, it produced child-focused outreach and special measures for protection and psychosocial support that facilitated children's involvement in a range of commission activities. In addition to giving statements, children attended and participated in public thematic hearings and activities for creative expression.

## Conclusion

Over the past five decades, truth commissions have been deployed in an array of post-violence contexts. To construct a comprehensive and accurate narrative of the past, commissions have reviewed volumes of documents, gathered thousands of witness statements, and issued concluding reports that synthesize their work and suggest a range of remedial and preventive interventions. Victims have been at the center of the global theory and practice of truth commissions and TJ more

broadly. However, one key class of victims, children, has often been overlooked—this, despite the importance of their engagement for accountability, healing, and reconciliation.

In this article, we argued that children have specific rights to participation enshrined in several international legal instruments and frameworks, like the CRC and the UN principles on combatting impunity. Next, we suggested how truth commissions could be designed to effectively and responsibly secure the participation of children, notably through specific references in mandates, child-focused outreach activities, and special measures for protection and psychosocial support. We then explored the extent to which three commissions that conducted research on abuses relating to children succeeded in collecting first-hand accounts.

Across the three cases, we found that specific provisions about children in the mandate are crucial. In South Africa, the omission of children in the mandate paved the road for the commission to, itself, decide that it would not engage children directly. Accordingly, the commission did not develop child-focused outreach methods and activities; nor did it implement special measures for protection and support. Nevertheless, the commission involved children in its work through storytelling, artwork, and other modes of creative expression. Meanwhile, in Timor-Leste, the cursory reference to children in the mandate—paired with the abandonment of a manual that laid out previous countries' experiences engaging children and measures for protection based on the CRC and other laws—contributed to an ad hoc approach to engaging children that garnered half-a-dozen child participants. Some of these children were later reported to have been retraumatized, due in part to the commission staff's lack of training and, in at least one case, the failure to provide support before, during, and after testimony. Finally, and in stark contrast to the preceding two cases, we saw in Sierra Leone a thoughtful and concerted effort to consider and engage children throughout the commission process—from the mandate to initial planning and design to outreach and testimony and, finally, to the publication of a child-friendly summary report.

Much remains to be accomplished in this research area, including exploring institutional design features and children’s participation in comparative contexts. Based on that we have learned from these early cases, scholars can begin to evaluate subsequent gains and losses, answering questions like these: Are children’s rights better realized today? Are countries learning from one another, and are commissions being refined over time? In what other modes of participation should children be engaged? What are the long-term consequences of children’s involvement in commissions, for the children themselves, for their communities, and for national politics and public policy? Is the “right to be heard” sufficient for testimony that is meaningful for children and that supplies countries with vital information on children’s experiences of violence? And does Article 12 of the CRC go far enough in guaranteeing children’s participation, notably in TJ processes? When we consider that children are among the most vulnerable populations during periods of violence—and that their exposure to violence can have long-term negative effects and that their involvement in TJ can shape their own development and that of their nations, but for the better—it is vital that we continue to study their participation in TJ processes.

## Notes

1. Notable exceptions include Baines and Stewart (2011), Fisher (2013), McEvoy and McConnachie (2012, 2013), Mollica (2017), Parmar, Roseman, Siegrist, and Sowa (2010), and Sowa (2010).
2. The Convention on the Rights of the Child (1989) defines a child as a “human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (Article 1). The Committee on the Rights of the Child recommends in General Comment 20 that eighteen years old be the standard, underscoring that the purpose of an age of majority is protection. Nonetheless, the Committee recognizes the flexibility the treaty allows.
3. While this article focuses on children as victims and witnesses of violence, they can also be agents of violence.
4. See Depuy and Peters (2010) for an analysis of long-term psychological consequences of child wartime exposure. See Akbulut-Yuksel (2014) and Ichino and Winter-Ebmer (2004) for an analysis of labor-market consequences of child wartime exposure.
5. See Ellis (2016) on the effect of adolescent wartime trauma on leader’s decisions to use force.
6. Consider such emblematic cases as *Bleier v. Uruguay* in the UN Human Rights Committee in 1982, *Velazquez Rodriguez v. Honduras* in the Inter-American Court of Human Rights in 1988, and *McCann v. United Kingdom* in the European Court of Human Rights in 1995. For a lengthier treatment of the subject, see, for example, Ariav (2012).
7. UN Commission on Human Rights (1997).
8. Besides, the best interests of the child are intended to be assessed on an individual basis, not implemented as a blanket policy. A case would have to be made each and every time a child wishes to participate as to why he or she should not be allowed to do so.
9. In an ICTJ-commissioned study of Colombia, Cecile Aptel and Virginie Ladisch conveyed, “children often identify a need to tell their own stories, to put their voices in the public sphere.” They also reported how child victims “are often keen to disclose the information they have about mass grave sites where friends and family members were buried by an armed group” (2011: 25). In a similar vein, a Sierra Leonean youth leader affirmed, “One thing was clear amongst the children of Sierra Leone: that they wanted to make something of themselves, and did not want to be left out of the TRC process. They wanted to tell their stories to the TRC. ... Discussions after discussions were enunciated by children themselves and eventually succeeded to attract the attention of stakeholders to get them involved” (UNICEF Innocenti Research Centre and ICTJ 2010: 25).
10. Years after the Sierra Leonean commission, many children shared that participating was “helpful in addressing unresolved emotions or experiences and [they] expressed pride in their contributions” (UNICEF Innocenti Research Centre and ICTJ 2010: 26).
11. We note that “victimhood” represents a complex identity (see Denov 2012; Brocklehurst and Peters 2017). In some post-conflict or transitional contexts, affected individuals and communities embrace the victim identity. Here, it is empowering; it validates their experiences and provides a means to assert their rights and entitlements, notably to truth, justice, reparations, and guarantees of nonrecurrence. In other contexts, however, affected populations spurn the victim label. Here, it is disempowering and invites stigma, ostracism, and, potentially, more trauma. In still other contexts, victimhood as a notion is complicated if a victim or group of victims was also complicit in or responsible for abuses. Here, the complex identity may be empowering or disempowering, empowering because the victim identity may be considered a mitigating factor vis-a-vis the perpetrator identity yet potentially disempowering because the perpetrator identity may be considered disqualifying for the victim identity. In a general sense, we might expect children who claim the victim identity (whether “pure” victims or complex victims) to be more likely to participate in truth commissions. Shepler (2005) shows how children mobilize the international discourse of victims to make rights claims and access benefits. That said, we might expect children who reject the victim identity to be less likely to participate. If one does not see oneself as a victim, there is little reason for one to participate in a victim-centered TJ institution like a

truth commission. We acknowledge that children's self-identification as victims—or not—can influence if, how, and why they participate in commissions; however, a more in-depth discussion is outside the scope of our article. We focus on the institutional design of commissions and its effect on children's participation. We leave normative and sociological exploration of child or youth victimhood in truth-seeking processes to future work.

12. A brief mention of the victim identity through the lens of international law and TJ is merited here. Different types of TJ are designed to offer different types of justice. The difference between trials (domestic or international) and truth commissions is, perhaps, the starkest. Trials are adversarial by nature and are intended to establish guilt or nonguilt of accused individuals for specific allegations and to impose appropriate sanctions in cases of guilt (retributive justice). The judicial process is closed off to all except those who have an immediate stake in the outcome—plaintiffs, defendants, legal counsel, direct witnesses, the jury, and the judge. Meanwhile, truth commissions are collaborative by nature and intended to establish a comprehensive account of past events, even reconciliation (restorative justice). Here, the process is more open; it involves engaging the community at large. Part of the goal is to explore and to better understand complex events and identities, victim-perpetrators for example. To the extent that commissions (can) have a more flexible approach to complex victims than courts, commissions may be better suited to address them. This latter point is important because commissions can address victimhood through context-specific institutional choices and goals rather than via a simple checklist of best practices.
13. Other avenues by which commissions may capture children's experiences include plays, poems, paintings, and drawings.
14. Truth commission designers, leaders, and staff should take into consideration the complex identities of the individuals and communities of concern, including children. Commissions should be adaptable to the context, not rigid or fixed. This will not be an easy task; in fact, it will likely be difficult. However, it is of utmost importance if commissions, among a range of TJ mechanisms, are to best serve affected populations. Building on this, participation may not be a good thing for all children. Commission leadership and staff, in partnership with parents and guardians and children's rights advocates and practitioners, should engage seriously the CRC's criteria on determining the best interests of each prospective child participant.
15. Child victims' participation rationales should, for the most part, correspond to adult victims' participation rationales. For example, victims' support units and private hearings likely matter for both adult and child victims.
16. A truth commission's legal mandate outlines numerous matters that are essential to its functioning. This usually includes the period of operation, the period of time under investigation, the types of violations to be investigated, questions surrounding special attention to specific victim populations, key activities, powers that will determine overall strength and reach, and the selection procedures for commissioners.
17. We recognize that not all children have access to institutions such as schools, community houses, and sports and activity clubs that are potential sites of child-focused truth commission outreach. Some children's lack of access is structural: They may live in far-off rural areas without these institutions. Other children's lack of access is socioeconomic: They or their families may simply not be able to afford access. Other children's lack of access still is sociocultural: They may be prohibited by their families from attending these institutions. Human rights education is important for overcoming longstanding, unhelpful attitudes, behaviors, and institutions, and this should be part of commissions' mandates. Already, commissions sometimes dispatch mobile units to undertake community sensitization and education initiatives, to address limiting attitudes, behaviors, and institutions that could affect future commissions' efforts. Nonetheless, we recognize the limits of what commissions, among other TJ institutions, can accomplish in their limited operational windows. Structural, socioeconomic, and sociocultural barriers are difficult to break down, even over a long period of time. Nonetheless, commission designers, leaders, and staff would do well to strategize how to overcome them, even if only in small ways.

18. It is important to clarify that taking care of children by implementing special measures does not mean hiding information from them. Although children must be protected, a truth commission must nonetheless “recognize the changing, growing capacities of children to understand facts, make decisions, and participate in the truth-seeking process” (Gonzalez and Varney 2013: 59).
19. Special measures for children’s protection and psychosocial support should be localized as much as possible, both for the sake of legitimacy during a commission’s operational window and for the sake of the commission’s long-term legacy, including implementation of a commission’s recommendations. Although we emphasize professionals, such as social workers, child psychologists, and representatives of child protection agencies, there may be other trusted social and community members that commissions could also engage to provide protection and support.
20. See Convention on the Rights of the Child (1989) and UNICEF Innocenti Research Centre and ICTJ (2010).
21. We acknowledge variation in who is a “child” and what “childhood” means across cultures. For example, in Timor-Leste, a child is culturally understood as someone who has not yet married (CAVR 2005: chap 7). In Sierra Leone, under customary law, the definition of a child varies depending upon the purpose for which he or she is being considered, and from one ethnic group to another (SLTRC 2004: vol. 3B). Nonetheless, international law recognizes children as persons under the age of 18, and countries which are party to a range of international legal instruments and institutions, including each of our case study countries, generally use 18 as the legal benchmark for adulthood.
22. Although not our focus, we recognize alternative modes of participation and discuss them in the case analysis.
23. The dependent variable is not the choice to seek or to not seek children’s participation in a commission (which would result in selecting on the dependent variable). Instead, the dependent variable is the level of children’s participation.
24. Based on Zvobgo (2019).

## References

- AKBULUT-YUKSEL, Mevlude. (2014) Children of war: The long-run effects of large-scale physical destruction and warfare on children. *Journal of Human Resources*, 49(3), 634–662.  
doi:10.1353/jhr.2014.0021
- APTEL, Cecile, and LADISCH, Virginie. (2011) *Through a New Lens: A Child-Sensitive Approach to Transitional Justice* (New York: International Center for Transitional Justice).
- ARIAV, Roe. (2012) National Investigations of Human Rights Between National and International Law. *Goettingen Journal of International Law*, 4(2012), 853–871.
- BAINES, Erin, and STEWART, Beth. (2011) 'I cannot accept what I have not done': Storytelling, gender and transitional justice. *Journal of Human Rights Practice*, 3(3), 245–263.  
doi:10.1093/jhuman/hur015
- BALCELLS, Laia, PALANZA, Valeria, and VOYTAS, Elsa. (2021) Do transitional justice museums persuade visitors? Evidence from a field experiment. *Journal of Politics*, forthcoming.
- BATES, Genevieve, CINAR, Ipek, and NALEPA, Monika. (2020) Accountability by the numbers: Introducing the Global Transitional Justice Events Dataset (1946–2016). *Perspectives on Politics*, 18(1), 161–184. doi:10.1017/S1537592719000756
- BEIER, J. Marshall. (2015) Children, childhoods, and security studies: An introduction. *Critical Studies on Security*, (3)1, 1–13. doi:10.1080/21624887.2015.1019715
- BEIER, J. Marshall. (2019) Binding gestures: A customary norm regarding the UN Convention on the Rights of the Child? *Children's Geographies*, 17(3), 309–320.  
doi:10.1080/14733285.2018.1495315
- BELL, Margaret. (2011) *Children in Charge*, vol. 14. *Promoting Children's Rights in Social Work and Social Care: A Guide to Participatory Practice* (London, UK: Jessica Kingsley).
- BEN-JOSEF HIRSCH, Michal, MACKENZIE, Megan, and SESAY, Mohamed. (2012) Measuring the impacts of truth and reconciliation commissions: Placing the global 'success' of TRCs in local perspective. *Cooperation and Conflict*, 47(3), 386–403. doi:10.1177/0010836712454273
- BINNINGSBØ, Helga M., LOYLE, Cyanne E., GATES, Scott, and ELSTER, Jon. (2012) Armed conflict and postconflict justice, 1946–2006: A dataset. *Journal of Peace Research*, 49(5), 731–740.  
doi:10.1177/0022343312450886
- BLATTMAN, Christopher. (2012) Children and war: How 'soft' research can answer the hard questions in political science. *Perspectives on Politics*, 10(2), 403–413.  
doi:10.1017/S1537592712000746
- BLATTMAN, Christopher, and ANNAN, Jeannie. (2010) The consequences of child soldiering. *Review of Economics and Statistics*, 92(4), 882–898. doi:10.1162/REST\_a\_00036
- BLATTMAN, Christopher, HARTMAN, Alexandra, and BLAIR, Robert. (2011) *Can We Teach Peace and Conflict Resolution? Results from a Randomized Evaluation of the Community Empowerment Program (CEP) in Liberia* (New Haven, CT: Yale University Innovations for Poverty Action).
- BROCKLEHURST, Helen. (2006) *Who's Afraid of Children? Children, Conflict, and International Relations* (Farnham, UK: Ashgate).
- BROCKLEHURST, Helen, and PETERS, Krijn. (2017) Constructing and deconstructing child soldier narratives. conflict, violence, and peace. In *Conflict, Violence and Peace, Geographies of Children and Young People*, vol. 11, Christian Harker and Kathrin Horschelmann (eds.) (Singapore: Springer).

- CAPONE, Francesca, (2011) Discussing the potential role of truth commissions in assessing reparations for war-affected children. *International Journal on Rule of Law, Transitional Justice, and Human Rights*, 2(2), 133–145.
- CARDOZO, Barbara Lopes, VERGARA, Alfredo, AGANI, Ferid, and GOTWAY, Carol A. (2000) Mental health, social functioning, and attitudes of Kosovar Albanians following the war in Kosovo. *Journal of the American Medical Association*, 284(5), 569–577. doi:10.1001/jama.284.5.569
- COMISSÃO DE ACOLHIMENTO, VERDADE E RECONCILIAÇÃO DE TIMOR LESTE (CAVR). (2005) *Chega! The Report of the Commission for Reception, Truth, and Reconciliation in Timor-Leste (CAVR)*. (Dili, Timor-Leste: Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste [CAVR]).
- COHN, Ilene. (2001) The protection of children and the quest for truth and justice in Sierra Leone. *Journal of International Affairs*, 55(1), 1–34.
- CONVENTION ON THE RIGHTS OF THE CHILD. (1989) *Convention on the Rights of the Child*. UN Doc. A/ RES/44/25 (New York, NY: United Nations).
- COOK, Philip, and HEYKOOOP, Cheryl. (2010) Child participation in the Sierra Leonean Truth and Reconciliation Commission. In *Children and Transitional Justice: Truth-Telling, Accountability and Reconciliation*, Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist, and Theo Sowa (eds.) (Cambridge, MA: Human Rights Program, Harvard Law School).
- DANCY, Geoff, KIM, Hunjoon, and WIEBELHAUS-BRAHM, Eric. (2010) The turn to truth: Trends in truth commission experimentation. *Journal of Human Rights*, 9(1), 45–64. doi:10.1080/14754830903530326
- DENOV, Myriam. (2012) Child soldiers and iconography: Portrayals and (mis)representations. *Children & Society*, 26(4), 280–292.
- DEPUY, Kendra E., and PETERS, Krijn. (2010) *War and Children: A Reference Handbook* (Santa Barbara, CA: ABC-CLIO).
- DOUGHERTY, Beth K. (2004) Searching for answers: Sierra Leone's Truth & Reconciliation Commission. *African Studies Quarterly*, 8(1), 40–56.
- ELLIS, Cali M. (2016) The effect of childhood war trauma on a leader's decisions to use force. Unpublished manuscript.
- FISHER, Kirsten. (2013) *Transitional Justice for Child Soldiers: Accountability and Social Reconstruction in Post-Conflict Contexts* (New York, NY: Springer).
- GÄBLER, Ira, and MAERCKER, Andreas. (2011) *Revenge after trauma: Theoretical outline*. In *Embitterment: Societal, Psychological, and Clinical Perspectives*, Michael Linden and Andreas Maercker (Vienna, Austria: Springer).
- GIBSON, James L. (2004) *Overcoming Apartheid* (New York, NY: Russell Sage).
- GIDRON, Yotam. (2015) The act of reading: Children's rights, children's literature, and transitional justice. *International Journal of Transitional Justice*, 9(3), 514–516. doi:10.1093/ijtj/ijv014
- GONZALEZ, Eduardo. (2013) *Drafting a Truth Commission Mandate: A Practical Tool* (New York, NY: International Center for Transitional Justice).
- GONZALEZ, Eduardo, and VARNEY, Howard. (2013) *Truth Seeking: Elements of Creating an Effective Truth Commission* (Brasilia, Brazil: Amnesty Commission of the Ministry of Justice of Brazil).
- HAYDON, Deena. (2008) 'Do your promises and tell the truth. Treat us with respect': Realizing the rights of children and young people in Northern Ireland. *Journal of the History of Childhood and Youth*, 1(3), 414–442.

- HAYNER, Priscilla. (2000) *Unspeakable Truths: Confronting State Terror and Atrocity* (New York, NY: Routledge).
- HAYNER, Priscilla. (2011) *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York, NY: Routledge).
- HICKSON, Joyce, and KRIEGLER, Susan. (1991) Childshock: The effects of apartheid on the mental health of South Africa's children. *International Journal for the Advancement of Counselling*, 14(2), 141–154. doi:10.1007/ BF00117733
- HIRST, Megan, and LINNARSSON, Ann. (2010) Children and the Commission for Reception, Truth and Reconciliation in Timor-Leste. *Innocenti Working Papers*, 2010(7), 1–46.
- HOLZSCHEITER, Anna. (2010) *Children's Rights in International Politics* (London, UK: Palgrave Macmillan).
- ICHINO, Andrea, and WINTER-EBMER, Rudolf. (2004) The long-run educational cost of World War II. *Journal of Labor Economics*, 22(1), 57–87. doi:10.1086/380403
- JACOB, Cecilia. (2014) *Child Security in Asia: The Impact of Armed Conflict in Cambodia and Myanmar* (London, UK: Routledge).
- JOHNSON, Howard, and THOMPSON, Andrew. (2008) The development and maintenance of post-traumatic stress disorder (PTSD) in civilian adult survivors of war trauma and torture: A review. *Clinical Psychology Review*, 28(1), 36–47. doi:10.1016/j.cpr.2007.01.017
- KESTERNICH, Iris, SIFLINGER, Bettina, SMITH, James P., and WINTER, Joachim K. (2014) The effects of World War II on economic and health outcomes across Europe. *Review of Economics and Statistics*, 96(1), 103–118. doi:10.1162/REST\_a\_00353
- KRAPPMANN, Lothar. (2010) The weight of the child's view (Article 12 of the Convention on the Rights of the Child). *International Journal of Children's Rights*, 18(4), 501–513. doi:10.1163/157181810X528021
- LADISCH, Virginie, and RAMIREZ-BARAT, Clara. (2014) Between protection and participation: Involving children and youth in transitional justice processes. In *Transitional Justice, Culture, and Society: Beyond Outreach*, Clara Ramírez-Barat (ed.) (New York, NY: International Center for Transitional Justice and Social Science Research Council).
- LANSDOWN, Gerison. (2011) *Every Child's Right to be Heard: A Resource Guide on the UN Committee on the Rights of the Child, General Comment No. 12* (London, UK: Save the Children UK).
- LI, Quan, and WEN, Ming. (2005) The immediate and lingering effects of armed conflict on adult mortality: A time-series cross-national analysis. *Journal of Peace Research*, 42(4), 471–492. doi:10.1177/0022343305054092
- LUCKER-BABEL, Marie Françoise. (1995) The right of the child to express views and to be heard: An attempt to interpret Article 12 of the UN Convention on the Rights of the Child. *International Journal of Children's Rights*, 3(3–4), 391–404. doi:10.1163/157181895X00177
- LUNDY, Laura. (2007) 'Voice' is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942.
- MACHEL, Gracia. (2001) *The Impact of War on Children: A Review of Progress Since the 1996 United Nations Report on the Impact of Armed Conflict on Children* (New York, NY: United Nations Children's Fund).
- MACKSOUD, Mona S., and ABER, J. Lawrence. (1996) The war experiences and psychosocial development of children in Lebanon. *Child Development*, 67(1), 70–88. doi:10.2307/1131687

- MANN, Natalie, and THEUERMANN, Bert. (2001) Children and the Truth and Reconciliation Commission for Sierra Leone: Recommendations for Policies and Procedures for Addressing and Involving Children in the Truth and Reconciliation Commission (Freetown: UNICEF, National Forum for Human Rights, and UNAMSIL/Human Rights).
- MARANS, Steven, BERKMAN, Miriam, and COHEN, Donald. (1996) Child development and adaptation to catastrophic circumstances. *Minefields in Their Hearts: The Mental Health of Children in War and Communal Violence* (New Haven, CT: Yale University Press).
- MARTUSCELLI, Patricia Nabuco, and VILLA, Rafael Duarte. (2018) Child soldiers as peace-builders in Colombian peace talks between the government and the FARC-EP. *Conflict, Security, & Development*, 18(5), 387–408.
- MCEVOY, Kieran, and MCCONNACHIE, Kirsten. (2012) Victimology in transitional justice: Victimhood, innocence, and hierarchy. *European Journal of Criminology*, 9(5), 527–538. doi:10.1177/1477370812454204
- MCEVOY, Kieran, and MCCONNACHIE, Kirsten. (2013) Victims and transitional justice: Voice, agency, and blame. *Social & Legal Studies*, 22(4), 489–513.
- MICHELS, An. (2010) Psychosocial Support for Children: Protecting the Rights of Child Victims and Witnesses in Transitional Justice Processes. *Innocenti Working Paper*, 2010(14), 1-24.
- MOLLICA, Caitlin. (2017) The diversity of identity: Youth participation at the Solomon Islands Truth and Reconciliation Commission. *Australian Journal of International Affairs*, 71(4), 371–388. doi:10.1080/10357718.2017.1290045
- MORGOS, Dorothy, WORDEN J. William, and GUPTA, Leila. (2007) Psychosocial effects of war experiences among displaced children in southern Darfur. *OMEGA: The Journal of Death and Dying*, 56(3), 229–253. doi:10.2190/OM.56.3.b
- MINOW, Martha. (1998) *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston, MA: Beacon Press).
- NESIAH, Vasuki. (2006) *Truth commissions and gender: Principles, policies, and procedures*. (New York, NY: International Center for Transitional Justice).
- NTSEBEZA, Dumisa. (2000) The uses of truth commissions: Lessons for the world. In *Truth v. Justice*, Robert I. Rotberg and Dennis Thompson (eds.) (Princeton, NJ: Princeton University Press).
- ODURO, Franklin, and NAGY, Rosemary. (2014) What's in an idea? Truth commission policy transfer in Ghana and Canada. *Journal of Human Rights*, 13(1), 85–102. doi:10.1080/14754835.2013.824277
- OLSEN, Tricia D., PAYNE, Leigh A., and REITER, Andrew G. (2010) Transitional justice in the world, 1970–2007: Insights from a new dataset. *Journal of Peace Research*, 47(6), 803–809. doi:10.1177/0022343310382205
- PARMAR, Sharanjeet, ROSEMAN, Mindy Jane, SIEGRIST, Saudamini, and SOWA, Theo. (eds.) (2010) *Children and Transitional Justice: Truth-Telling, Accountability, and Reconciliation* (Cambridge, MA: Human Rights Program, Harvard Law School).
- PAULSON, Julia. (2006) The educational recommendations of truth and reconciliation commissions: Potential and practice in Sierra Leone. *Research in Comparative and International Education*, 1(4), 344–345. doi:10.2304/rcie.2006.1.4.335
- PHAM, Phuong N., WEINSTEIN, Harvey M., and LONGMAN, Timothy. (2004) Trauma and PTSD symptoms in Rwanda. *Journal of the American Medical Association*, 292(5), 602–612. doi:10.1001/jama.292.5.602

- PIGOU, Piers. (2010) Children and the South African Truth and Reconciliation Commission. In *Children and Transitional Justice: Truth-Telling, Accountability and Reconciliation*, Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist, and Theo Sowa (eds.) (Cambridge, MA: Human Rights Program, Harvard Law School).
- POWERS, Kathy L., and PROCTOR, Kim. (2016) Victim's justice in the aftermath of political violence: Why do countries award reparations? *Foreign Policy Analysis*, 13(4), 787–810.  
doi:10.1111/fpa.12076
- RAMIREZ-BARAT, Clara. (2012) *Engaging children and youth in transitional justice processes: Guidance for outreach programs* (New York: International Center for Transitional Justice).
- ROCHE-MAIR, Aurelie. (2017) Challenges to the protection of children's human rights and the perpetuated marginalization of children in transitional justice. *Georgetown Journal of International Law*, 49, 135–161.
- ROHT-ARRIAZA, Naomi. (1995) Punishment, redress, and pardon: Theoretical and psychological approaches. In *Impunity and Human Rights in International Law and Practice*, N. Roht-Arriaza (ed.) (New York, NY: Oxford University Press).
- SCULLION, Dianne. (2013) Passive victims or empowered actors: Accommodating the needs of child domestic workers. *International Journal of Children's Rights*, 21(1), 97–126.  
doi:10.1163/15718182-55680017
- SHAW, Rosalind. (2014) The TRC, the NGO, and the child: Young people and post-conflict futures in Sierra Leone. *Social Anthropology*, 22(3), 306–325.
- SHEPLER, Susan. (2005) The rites of the child: Global discourses of youth and reintegrating child soldiers in Sierra Leone. *Journal of Human Rights*, 4(2), 197–211.  
doi:10.1080/14754830590952143
- SIEGRIST, Saudamini. (2010) Child rights and transitional justice. In *Children and Transitional Justice: Truth-Telling, Accountability, and Reconciliation*, Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist, and Theo Sowa (eds.) (Cambridge, MA: Human Rights Program, Harvard Law School).
- SIERRA LEONE TRUTH AND RECONCILIATION COMMISSION (SLTRC). (2004) *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (Accra, Ghana: Graphic Packaging).
- SMITH, Alison. (2010) Basic assumptions of transitional justice and children. In *Children and Transitional Justice: Truth-Telling, Accountability, and Reconciliation*, Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist, and Theo Sowa (eds.) (Cambridge, MA: Human Rights Program, Harvard Law School).
- SOLOMON, Daniel, and ZVOBGO, Kelebogile. (2020) *Co-opting truth: Explaining quasi-judicial institutions in authoritarian regimes*. Unpublished manuscript.
- SOUTH AFRICA TRUTH and RECONCILIATION COMMISSION (SATRC). (2003) *Truth and Reconciliation Commission of South Africa Report* (Pretoria, South Africa: Government of South Africa).
- SOWA, Theo. (2010) Children and the Liberian Truth and Reconciliation Commission. In *Children and Transitional Justice: Truth-Telling, Accountability, and Reconciliation*, Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist, and Theo Sowa (eds.) (Cambridge, MA: Human Rights Program, Harvard Law School).

- STAHL, Rebecca M. (2007) Don't forget about me: Implementing Article 12 of the United Nations Convention on the Rights of the Child. *Arizona Journal of International and Comparative Law*, 24, 803–842.
- STAHN, Carsten. (2005) The geometry of transitional justice: Choices of institutional design. *Leiden Journal of International Law*, 18(3), 425–466. doi:10.1017/S0922156505002827
- UN Commission on Human Rights. (1997) Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political): Revised Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/11. E/CN.4/Sub.2/1997/20/Rev.1 (New York, NY: United Nations).
- UNICEF EAST TIMOR. (2001) East Timorese Children Involved in Armed Conflict: Case Studies Report: October 2000 - February 2001 (Bangkok: UNICEF East Asia and Pacific Regional Office).
- UNICEF INNOCENTI RESEARCH CENTRE and THE INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE. (2010) Children and Truth Commissions (Florence, Italy: UNICEF Innocenti Research Centre).
- UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR). (2004) Evaluation of UNHCR's repatriation and reintegration programme in East Timor, 1999–2003. UN Doc. EPAU/2004/02 (New York, NY: United Nations).
- WATSON, Alison M. S. (2009) *The Child in International Political Economy: A Place at the Table* (London, UK: Routledge).
- ZVOBGO, Kelebogile. (2019) Designing truth: Facilitating perpetrator testimony at truth commissions. *Journal of Human Rights*, 18(1), 92–110. doi:10.1080/14754835.2018.1543017
- ZVOBGO, Kelebogile. (2020) Demanding truth: The global transitional justice network and the creation of truth commissions. *International Studies Quarterly*, 64(3), 609–625. doi:10.1093/isq/sqaa044