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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Human rights and transitional justice

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

In the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) identifies examples of good practices and lessons learned related to transitional justice processes in the context of sustaining peace and sustainable development, notably Sustainable Development Goal 16, drawn from regional consultations and research carried out pursuant to Human Rights Council resolution 51/23. The examples of good practices are victim-centred, inclusive, gender-responsive and innovative, and contribute to an early, tangible or transformational impact on victims and affected communities. Many have been developed by victims' associations and grass-roots organizations, notably those led by women, and contribute to the achievement of the Sustainable Development Goals.

The objective of the report is to convey the good practices presented during the regional meetings, which are particularly applicable in challenging and adverse contexts in which preconditions for transitional justice are absent. In those contexts, a series of initiatives can lay the ground for future transitional justice processes and harness their transformative potential for peace and development.

Based on the good practices and lessons learned, the report contains recommendations, including to maximize the impact and ensure the sustainability of good practices through their expansion, the adoption of similar measures and the provision of dedicated support and complementary measures, as part of a holistic approach to transitional justice that promotes truth, justice, reparation and guarantees of non-recurrence.

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I. Introduction, methodology and context

1. The present report is submitted pursuant to Human Rights Council resolution 51/23, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on lessons learned and good practices of transitional justice in the context of sustaining peace and of sustainable development, notably Sustainable Development Goal 16, informed by prior regional meetings. In the resolution, the Council called for a consultation process to discharge that mandate.¹

2. In preparing the report, OHCHR organized five regional consultations, gathering 140 participants (70 women and 70 men) from more than 77 countries, including representatives of national entities implementing transitional justice measures, victims' associations and civil society organizations, regional and international human rights protection systems, and transitional justice experts and practitioners.² Regional meetings were organized for Europe and North America, in Geneva, from 18 to 20 October 2023; for the Middle East and North Africa, in Rabat, from 6 to 8 December 2023; for Latin America and the Caribbean, in Bogotá, from 20 to 22 February 2024; for Africa, on 14 and 28 May 2024, through virtual meetings; and for Asia and the Pacific, on 18 and 30 September 2024, through virtual meetings.³

3. In addition, OHCHR issued a call for contributions, addressed to States and other stakeholders. The report also relies on publicly available material. Due to the limitation on word count, the present report cannot reflect all the good practices and lessons learned that were presented during the regional meetings and the contributions made. A list of organizations and entities participating in the regional meetings is reflected in the annex. The contributions received in response to the call for submissions are available online.⁴

4. The report builds on the previous report submitted to the Human Rights Council by OHCHR on transitional justice, in which it explored the interconnections between transitional justice, sustaining peace and sustainable development, highlighting their shared goals and objectives.⁵ In that report, OHCHR noted that the main contribution of transitional justice to sustaining peace and sustainable development lay in its potential to foster trust, empower people, enhance inclusion, increase gender equality and address the root causes of serious human rights violations, all of which have a preventive effect. OHCHR identified ways to maximize the positive impact of transitional justice on sustaining peace and on sustainable development, namely by: consistently adopting a "past-sensitive lens" in peace and development work; carrying out joint and integrated analyses, with a systematic focus on preconditions for a conducive environment for transitional justice; enhancing data collection to measure impact and progress, including by using the Sustainable Development Goals framework; adopting a people-centred approach to transitional justice that sought to make a tangible difference in people's lives; and ensuring that participatory approaches and public consultation were construed as ongoing processes.⁶

5. The present report is also grounded in the 2023 guidance note of the Secretary-General on "Transitional justice: a strategic tool for people, prevention and peace",⁷ in which he defined transitional justice as a pragmatic human rights-based policy tool at the disposal of national stakeholders that was relevant to enhancing peace and security, human rights and accountability, and sustainable development. In publishing the guidance note, the Secretary-General sought to achieve greater innovation in the design and implementation of transitional justice work and to contribute to a tangible and transformational impact on people and communities. The Secretary-General set out key features of the United Nations approach

¹ Paras. 13 and 14.

² See annex to the present report.

³ Due to the liquidity crisis affecting the regular budget of the Secretariat, the last two regional meetings had to be organized online, rather than in-person.

⁴ See <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-ohchr-report-lessons-learned-and-good-practices-transitional>.

⁵ A/HRC/49/39.

⁶ See also A/77/162.

⁷ See https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf.

to transitional justice – namely, normative, strategic, inclusive, gender-responsive and transformative features – and made recommendations to operationalize United Nations support for transitional justice.

6. Another process informing the present report has been the Working Group on Transitional Justice and SDG16+ and its emphasis on exploring the contributions that transitional justice can make to achieving the Sustainable Development Goals.⁸ The Working Group recommended ways in which transitional justice could be better integrated into development agendas, including through the provision of social services, livelihood projects, and psychosocial support to victims and affected communities within a reparative justice framework; and through the incorporation of goals and progress related to transitional justice into development plans and reporting processes. The Working Group has also drawn attention to general strategies that can improve transitional justice processes by making them more victim-centred and participatory, enhancing their potential contribution to development goals.⁹

II. Good practices of transitional justice in the context of sustaining peace and sustainable development, notably Sustainable Development Goal 16

7. In the aftermath of conflict and/or large-scale and serious human rights violations and abuses, States have obligations regarding effective remedy for victims, including the fulfilment of the rights to truth, justice, reparation and the prevention of recurrence, as set out in international law.¹⁰ However, in some cases, those obligations are discharged half-heartedly, in a wavering and selective manner, and are subject to political instrumentalization, not to the benefit of victims and affected societies.

8. In the present section, OHCHR focuses on examples of good practices that contribute to peace and development, notably Sustainable Development Goal 16, that were identified on the basis of information gathered during the regional meetings and through responses to the call for input. Good practices were selected based on their victim-centred, inclusive, gender-responsive and innovative features, as well as their contribution to early, tangible and transformational impacts on people and communities. The examples are presented in relation to their contribution to addressing the main challenges of transitional justice that were identified during those meetings, namely the lack of political will to initiate transitional justice processes or to implement related measures; disregard for accountability for serious human rights violations; insufficient or non-existent reparations; the exclusion of victims; weak State institutions; and the politicization of transitional justice, negationism and revisionism.

9. To be fully effective, those non-exhaustive examples of good practices should be part of a holistic approach to transitional justice that promotes all its key elements of truth, justice, reparation and guarantees of non-recurrence as interrelated and as part of an overarching strategy.

⁸ See <https://www.ictj.org/publication/solid-ground-building-sustainable-peace-and-development-after-massive-human-rights>.

⁹ See <https://www.ictj.org/resource-library/toward-victim-centered-change-integrating-transitional-justice-sustainable-peace>.

¹⁰ The International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and Punishment of the Crime of Genocide, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. See also https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf.

A. Building political will

10. In Lebanon, families of the missing and forcibly disappeared during the civil war have been significant drivers of transitional justice measures, having worked tirelessly to demand and build the necessary political will from the bottom up. Those families formed grass-roots organizations to advocate for truth, accountability and non-recurrence, coalescing around the slogan “Remember to not repeat”.¹¹ In 2014, the judiciary recognized the families’ right to truth and supported their demands to investigate mass graves. Such decisions enhanced victims’ trust in judicial institutions and, subsequently, the judiciary assumed a more active role in protecting human rights and ensuring government accountability. After the long struggle of families’ associations, such as the Committee of Families of the Kidnapped and Disappeared in Lebanon, and support from civil society organizations, the Law on Missing and Forcibly Disappeared Persons was adopted in 2018, recognizing the families’ right to know and establishing the independent National Commission for the Missing and Forcibly Disappeared.¹² Implementation of the law remains a challenge due to lack of resources of the Commission to deliver its mandate.

11. In Mexico, families of victims of political violence have advocated for decades for truth and justice, including by forming a national movement of victims against past crimes. As a result, in 2021, the Government created the Commission for Access to Truth, Historical Clarification and Promotion of Justice for serious human rights violations committed during the political violence from 1965 to 1990. The Commission was tasked with conducting research and issuing recommendations to clarify the truth, promote justice, and ensure comprehensive reparation and the right to memory. One of its specialized bodies, namely the Mechanism for Truth and Historical Clarification, led by independent experts and with the participation of civil society, adopted a victim-centred approach, prioritizing the participation of victims by fostering “dialogues for truth”, conceived as spaces for the social construction of truth with victims across the country.¹³ The Mechanism gathered victims’ testimonies, reviewed archives, documented cases, provided support for exhumations and organized acknowledgment sessions. It facilitated the identification of clandestine detention centres, revealed “death flights”, indicated new construction at sites suspected of containing remains and uncovered efforts to conceal archives related to human rights violations. The Mechanism’s final report contains recommendations that should be incorporated into the institutional and social agenda of the Government.¹⁴

12. In Sri Lanka, ongoing advocacy and protests, especially from families of the disappeared, have continued to draw international attention to their demands for accountability, especially through their active participation in international forums, including the Human Rights Council.¹⁵ Those efforts were reinforced by civil society more broadly, including through focused efforts to continue to draw attention to the findings of the comprehensive report of the Consultation Task Force on Reconciliation Mechanisms in 2016,¹⁶ which were based on extensive consultations with victims. That two-track approach has established a solid foundation to take advantage of future opportunities to address the legacy of the armed conflict and other serious violations.

¹¹ See <https://www.lebanonmemory.com/memory-documentation>.

¹² See <https://www.umam-dr.org/Uploads/2020-05/PublicationPDF1.pdf>; <https://ncmfd.org.lb> (in Arabic); and A/79/282.

¹³ See <https://www.meh.org.mx/dialogos-por-la-verdad> (in Spanish).

¹⁴ See <https://www.meh.org.mx/especial-informe-final/>; <https://mexico.un.org/es/281511-onu-dh-acompa%C3%B1a-el-mecanismo-para-la-verdad-y-el-esclarecimiento-hist%C3%B3rico> (in Spanish).

¹⁵ See A/HRC/57/19; <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sri-lanka/report-accountability-enforced-disappearances-sri-lanka-may2024-en.pdf>; and <https://adayaalam.org/joint-statement-on-the-inadequacy-of-a-truth-and-reconciliation-mechanism-to-achieve-post-war-transitional-justice>.

¹⁶ See <http://www.omp.gov.lk/storage/app/uploads/public/5fa/936/dd5/5fa936dd5f074287521469.pdf>.

B. Finding strategic ways to address accountability

13. In Argentina, since the reopening in 2006 of national trials of middle- and high-ranking military officials, 1,187 individuals have been convicted of crimes against humanity committed during the military dictatorship.¹⁷ The macro-trials were rendered possible due to a series of key factors, such as: a Supreme Court ruling in 2005 declaring the unconstitutionality of amnesty laws;¹⁸ the possibility for victims to bring so-called private prosecutions either by joining criminal cases or by participating autonomously as complainants;¹⁹ the incorporation of the crime of enforced disappearances into law; and the recognition of sexual and gender-based crimes as autonomous crimes.²⁰ An effective and strategic approach to handling large-scale criminal cases consisted of focusing investigations on detention centres and encompassing all related victims, perpetrators, methods and regions, which enabled the prosecution of the entire chain of responsibility.

14. In Chad, the strategic and persistent efforts of victims' associations, such as the Association des Victimes des Crises du Régime de Hissène Habré, and international civil society organizations led to the establishment of the Extraordinary African Chambers for atrocity crimes committed during the dictatorship of Hissène Habré.²¹ In 2016, the court convicted Mr. Habré of crimes against humanity and war crimes, including sexual violence and rape, and sentenced him to life in prison. It also ordered him to pay \$140 million to more than 7,000 victims who participated as civil parties.²² A trial was also held in N'Djamena, which led to the conviction in 2015 of 20 security agents of Habré's regime, granting reparations for victims.²³ As a result of continued advocacy by victims' associations, the issue of compensation was incorporated into the Inclusive and Sovereign National Dialogue in 2022.²⁴ The transitional Government allocated 10 billion CFA francs to the victim assistance fund. Since February 2024, victims have started receiving compensation.²⁵

15. In Colombia, the Special Jurisdiction for Peace was created as part of the transitional justice framework created by the peace agreement between the Government and the Revolutionary Armed Forces of Colombia – People's Army. Its function is to address the most serious crimes committed by former "combatants" and security forces, by incorporating a restorative justice approach that aims to promote reconciliation through the administration of justice.²⁶ Bearing in mind the scope of the serious violations and abuses committed during the decades-long conflict, and based on the vast amount of information received, the Special Jurisdiction for Peace has grouped the most serious and representative crimes to allow the investigation of patterns of macro-criminality and focus on those most responsible as a means to contribute to accountability, redress and non-recurrence.²⁷

16. An innovative aspect of the Special Jurisdiction for Peace is its victim-centred approach. It has conducted awareness-raising campaigns to provide participation tools to victims, including through victim accreditation; provided preparatory sessions, guidance and psychosocial support to victims; offered options – such as in-person sessions, "mirror rooms" or virtual access – for victim participation to prevent revictimization; organized hearings to

¹⁷ See <https://www.fiscales.gob.ar/lesa-humanidad/las-condenas-por-crimenes-de-lesa-humanidad-alcanzaron-a-1-187-personas-desde-la-reapertura-de-los-juicios-en-2006> (in Spanish).

¹⁸ See <http://www.biblioteca.jus.gov.ar/FalloSIMON.html> (in Spanish); and A/HRC/27/56.

¹⁹ See A/HRC/34/62.

²⁰ See <https://www.cels.org.ar/common/documentos/SentenciaMolina.pdf> (in Spanish).

²¹ See https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analysis70-The_Habre_Case.pdf.

²² See <https://www.legal-tools.org/doc/98c00a> (in French).

²³ See <https://www.hrw.org/news/2015/03/25/chad-habre-era-agents-convicted-torture>.

²⁴ See <https://www.justiceinfo.net/wp-content/uploads/Synthe%CC%80se-des-resolutions-et-recommandations-finales-du-DNIS-version-du-06.10.2022.pdf> (in French) (recommendations 28 and 29).

²⁵ See <https://www.rfi.fr/fr/afrique/20240918-tchad-des-premi%C3%A8res-indemnit%C3%A9s-re%C3%A7us-par-les-victimes-d-hiss%C3%A8ne-habre%C3%A9> (in French).

²⁶ See <https://www.jep.gov.co/Sala-de-Prensa/Paginas/justicia-restaurativa-jurisdiccion-especial-paz-jep.aspx> (in Spanish).

²⁷ See <https://www.jep.gov.co/macrocasos/caso01.html>; and submission by Spain.

receive victims' observations; and adopted an ethnic focus that protects the specific rights of ethnic populations in Colombia.²⁸ Restorative sanctions at the disposal of the Special Jurisdiction for Peace for former combatants and security forces who acknowledge responsibility and contribute to the truth combine retribution, reparation and development, and aim to transform the structural inequalities that led to the conflict.²⁹ The first restorative projects include ecosystem restoration in degraded areas; memory actions led by victims; socio-environmental and cultural reparation of damage caused to Indigenous territories; and the reparation of communities affected by landmines.³⁰

17. In Guatemala, victim-led coalitions and strategic litigation led to 31 convictions of 88 military and paramilitary personnel in 24 cases for crimes against humanity and genocide committed during the internal armed conflict. Those included landmark trials such as the Ixil Genocide (2013), Sepur Zarco (2016) and the Maya Achi Women (2022) cases. The Ixil Genocide case was the first national trial against a former Head of State and highlighted the central role of victims in justice processes.³¹ The Sepur Zarco trial was the first one focused on sexual violence and slavery of Q'eqchi' Maya women, who led the demands for justice and collective reparations.³² The Maya Achi Women case, involving sexual violence by former paramilitaries against Indigenous women, was supported by a victims' association that ensured legal and psychological support for victims.³³ Indigenous women survivors consistently showed resilience and determination in the face of legal obstacles and racial discrimination. Victim and survivor groups approached accountability in a strategic way, creating coalitions, such as the National Platform of Organizations of Victims of the Internal Armed Conflict, and allied with civil society organizations, legal expert teams and international non-governmental organizations. The victim-centred approach involved community work to promote victim support and network collaboration. They rendered visible sexual and gender-based violence by collecting testimonies and empowering survivors through leadership roles. Their strategic litigation included political and communication strategies to make the cases known nationally and internationally.³⁴

18. In Ukraine, after the eruption of the international armed conflict, the International Development Law Organization provided targeted support to the Office of the Prosecutor General by equipping it with the tools and expertise necessary to investigate and prosecute international crimes, including environmental crimes, while ensuring continued delivery of justice.³⁵

C. Broadening the toolbox for reparations

19. In Colombia, the Comprehensive Victim Support and Reparation Unit – which is in charge of overseeing implementation of the Victims and Land Restitution Act of 2011 – has developed a collective reparation programme to provide collective reparations with a transformative approach by addressing the structural discrimination that led to victimization,³⁶ with the Land Restitution Unit providing complementary measures. The Comprehensive Victim Support and Reparation Unit also aims to foster institutional changes that support a collaborative approach to collective reparations, including by integrating reparation measures in territorial development plans and local action plans, and aligning

²⁸ Submissions by Colombia and the International Organization for Migration.

²⁹ Submission by the International Center for Transitional Justice.

³⁰ Submission by Colombia.

³¹ See <https://www.ohchr.org/en/press-releases/2018/10/guatemala-un-experts-welcome-court-ruling-ixil-mayans-were-victims-genocide>.

³² See https://www.impunitywatch.org/wp-content/uploads/2022/08/ResearchReport_Cambiando_Rostro_Justicia_Sepur_Zarco_2017_spanish-1.pdf (in Spanish); and submission by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP).

³³ See <https://www.impunitywatch.org/publications/guatemala-maya-achi-women-case-summary-es> (summary in Spanish).

³⁴ Submissions by the Kingdom of the Netherlands, and UN-Women and UNDP.

³⁵ See <https://www.idlo.int/what-we-do/initiatives/supporting-criminal-justice-sector-reform-ukraine-phase-iv>; and submission by UN-Women and UNDP.

³⁶ See <https://www.unidadvictimas.gov.co> (in Spanish).

national investment projects with reparation objectives. The programme's effectiveness relies on linking reparation initiatives with broader public policies, addressing the intertwined issues of violence and poverty. Other key components are civic participation – empowering communities to participate in public decision-making – and the reconstruction of the social and cultural post-conflict fabric.³⁷

20. In 2022, as a result of advocacy by civil society organizations, the Democratic Republic of the Congo adopted a law on reparations that established the first National Reparations Fund for Victims of Conflict-related Sexual Violence and Other Crimes against the Peace and Security of Humankind.³⁸ The Fund initiated operations in October 2023 to develop reparation programmes focused on the needs of victims, facilitate access to individual and collective reparations and promote social reintegration.³⁹ Its means of financing constitutes its most innovative aspect. For example, the Act establishes that 11 per cent of mining royalties are allocated to the Fund's reparation programmes.⁴⁰

21. In Kenya, survivors' organizations such as "Grace Agenda" played a crucial role in documenting sexual and gender-based violence in the post-election violence of 2007 and 2008. They formed the National Victims and Survivors Network and advocated for reparations by presenting petitions to the Senate, National Assembly and Attorney-General, and collaborating with international non-governmental organizations.⁴¹ Documentation of violations served as a basis for their advocacy for transformative reparations that were survivor-centred and tailored to individual needs. That approach sought to provide survivors with the means to pursue their futures, for example, by pursuing educational or training opportunities, receiving financial compensation and accessing healthcare. A key aspect was involving survivors from the inception of interventions, which contributed to identifying appropriate reparations and also their successful implementation.

22. In Timor-Leste, in 2017, the Pirilampo survivor-led network was established to provide a platform for awareness-raising and advocacy for reparations and to foster collaboration with Parliament and victims' associations, as well as the promotion of survivors' participation in policy-making processes. Documentation prepared as a result of those initiatives, especially on sexual and gender-based violence, has helped to highlight the urgency of reparative justice. The Pirilampo network has demonstrated that sustainable grass-roots support can supplement governmental programmes, including by addressing survivors' pressing needs, such as access to healthcare, social services and psychological support.⁴²

23. In 2023, the Amnesty Commission within the Ministry of Human Rights and Citizenship of Brazil granted its first symbolic collective reparations, which were directed to Indigenous Peoples in Brasilia and people of African descent in Rio de Janeiro.⁴³ The Amnesty Commission has adopted a victim-centred approach to facilitate victim participation, including from collective claimants, to make their requests for reparations.

D. Ensuring the space for victims' voices as agents of change

24. Impunity Watch has supported artistic initiatives to engage youth and older persons in intergenerational discussions about the past in Burundi, laying the foundations for

³⁷ Submission by Switzerland.

³⁸ See <https://www.leganet.cd/Legislation/Droit%20Public/DH/Loi.022.65.26.12.2022.html> (in French).

³⁹ See <https://www.fonarev.cd/actualites/details?articleId=671a19eac960c297110f9e9a?articleTitle=lancement-de-l%E2%80%99identification-des-victimes-par-le-fonarev--un-pas-de-geant-vers-les-reparations> (in French); A/HRC/57/76; and A/HRC/57/81.

⁴⁰ A/HRC/57/81, para. 91.

⁴¹ See <http://parliament.go.ke/sites/default/files/2020-10/Petition%20concerning%20establishing%20measures%20towards%20rehabilitation%20services%20to%20victims%20of%20past%20HR%20violations%20as%20identified%20through%20TJRC.pdf>.

⁴² See https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Global_Reparation_Studies/Report_Timor-Leste_Dec2023_EN_Web.pdf.

⁴³ See <https://www.youtube.com/live/H4ZRyd03TVE?feature=shared> (in Portuguese); and <https://www.youtube.com/live/3WXfuiNeCeI> (in Portuguese).

non-recurrence. For instance, a photo book entitled “Portraits of the past and present: preserving memories through photography and storytelling” enabled youth to share their experiences and bridge dichotomies regarding perceived suffering. The project culminated in a theatrical piece in which youth narrated their personal stories with the country’s broader justice processes. Another project, named “Il a dit” and facilitated by young women, involved older persons sharing their experiences through photography and storytelling. That initiative allowed older persons to share their narratives for the first time and facilitated their trauma treatment.⁴⁴

25. In 2023, the Government of Chile adopted its first National Search Plan, a public policy initiative to address the legacy of enforced disappearances under the military dictatorship.⁴⁵ Led by the Ministry of Justice and Human Rights, a key aspect of the National Search Plan is the participation of victims at all stages, strengthening policymaking processes and improving the efficiency and effectiveness of searches. During the design phase, a nine-month participatory process gathered input through 67 meetings across all regions, with 775 participants, including family members and human rights organizations. The National Search Plan also includes victim participation in planning and investigations, increasing trust in the outcomes of search operations.

26. In Colombia, efforts to integrate LGBTIQ+ persons into the transitional justice process have strengthened inclusivity in the peace agreement and victim representation in the Special Jurisdiction for Peace. Organizations such as Caribe Afirmativo, Colombia Diversa and several women rights organizations submitted reports and represented victims before the Special Jurisdiction for Peace, leading to the opening of a cross-cutting case on gender-based violence and other crimes committed based on sexual orientation and gender identity during the armed conflict.⁴⁶

27. In the Gambia, women-led grass-roots organizations, such as the Women’s Association for Victims’ Empowerment, emerged in response to the exclusion of women during the initial stages of the transitional justice process. The Association sought to ensure that women and other marginalized groups had the opportunity to be heard and involved in the transitional justice process. The Association travelled to neighbouring Senegal to engage with a displaced religious minority, document their stories and connect them to authorities and programmes in the Gambia. The cross-border effort ensured the integration of exiled victims into the transitional justice process, which included securing reparations, medical and psychosocial support, and educational opportunities, especially for children.

28. In Uruguay, women survivors of sexual and gender-based violence during the dictatorship filed the first criminal complaint for such crimes, overcoming societal silence and stigma, with support from international non-governmental organizations.⁴⁷ Despite legal barriers, including the country’s impunity law, survivors pushed for accountability, demanding investigations after 2011 and enduring lengthy judicial processes. Their case, currently before the Inter-American Commission on Human Rights, highlights their transformation from victims to rights advocates in the fight against impunity.⁴⁸

29. In the Western Balkans, the youth-led Forgotten Children of War Association raises social awareness around the issue of children born of war to achieve their legal recognition and rights. It engages in advocacy by involving youth and using art as a tool to break social stigma and discrimination, and give voice to victims. For example, the documentary-dance

⁴⁴ Submission by the Kingdom of the Netherlands.

⁴⁵ See <https://www.derechoshumanos.gob.cl/plan-nacional-de-busqueda> (in Spanish).

⁴⁶ See <https://caribeafirmativo.lgbt/la-jep-abre-macrocaso-11-sobre-violencia-sexual-violencia-reproductiva-y-otros-crimenes-cometidos-por-prejuicio-odio-y-discriminacion-de-genero-sexo-identidad-y-orientacion-sexual-diversa-en-el-ma> (in Spanish); <https://www.jep.gov.co/macrocasos/caso11.html> (in Spanish); and <https://www.elespectador.com/colombia-20/jep-y-desaparecidos/jep-recibe-primer-informe-sobre-persecucion-a-poblacion-lgbt-en-el-conflicto-armado-articulo> (in Spanish).

⁴⁷ See <https://cejil.org/comunicado-de-prensa/representantes-del-grupo-de-28-mujeres-ex-presas-politicas-que-denuncian-tortura-y-violencia-sexual-ejercida-por-agentes-del-estado-durante-la-dictadura-militar-uruguay-participaron-en-audiencia-ante> (in Spanish).

⁴⁸ See <https://www.ohchr.org/en/stories/2021/10/victims-sexual-torture-seek-justice-uruguay>.

theatre “In the name of the father” presents stories from the lives of children born as a result of wartime rape,⁴⁹ and the exhibition “Breaking free” sheds light on the challenges faced by children born of war and their mothers.⁵⁰ Those artistic initiatives have broken the cycle of silence around those stories and have led to legal reforms. Brčko District adopted a law recognizing children born as a result of wartime rape as a special legal category;⁵¹ and the Federation of Bosnia and Herzegovina adopted a law to adequately protect civilian victims of war, including by recognizing children born as a result of wartime rape as a special category.⁵²

E. Strengthening institutional responses

30. The Inter-American Court of Human Rights, through its jurisprudence and other mechanisms, such as provisional measures, has contributed to consolidating principles and norms of transitional justice and accountability while providing guidance to States on institutionalizing rights and strengthening institutions. The Court has consistently emphasized a victim-centred approach.⁵³ It has developed jurisprudence on gender-responsive justice, stressing that justice will remain incomplete unless sexual and gender-based violence is fully investigated; and mandating the strengthening of prosecutorial resources to address sexual and gender-based violence effectively.⁵⁴ Comprehensive reparations form a cornerstone of the Court’s jurisprudence.⁵⁵ The Court has also underscored the need for policies on historical memory, archive preservation, and protection of significant sites to contribute to collective memory and counter any denial of established facts.⁵⁶

31. Furthermore, the Court has emphasized the critical importance of judicial independence, requesting States to adopt all necessary measures to uphold it, including through the protection of justice actors. With respect to Guatemala, it has issued precautionary measures for judges and prosecutors involved in anti-impunity efforts, while recalling to the State its obligation to ensure the independence of the judiciary.⁵⁷

32. In Mexico, advocacy by families of migrant victims of cross-border enforced disappearances is playing a transformative role, resulting in the adoption of laws and public policies, and the creation of transnational search mechanisms for effective cooperation.⁵⁸ The Working Group on Enforced or Involuntary Disappearances⁵⁹ has highlighted a series of impactful initiatives developed through collective processes with victim participation. Examples include: (a) the creation of multidisciplinary forensic databases through cooperation between government bodies and non-governmental organizations; (b) the establishment of forensic commissions and the adoption of public policies and protocols – between prosecutors’ offices and non-governmental organizations – for the transnational identification, notification and dignified repatriation of remains of migrant victims found in transit; (c) the development of mechanisms for search and investigation in third countries, which allow embassies and consulates to function as access points for reporting missing

⁴⁹ See <https://zdr.ba/portfolio-item/docu-dance-theater-play-in-the-name-of-the-father>.

⁵⁰ See <https://zdr.ba/portfolio-item/presentation-of-the-breaking-free-exhibition>.

⁵¹ See <https://bosniaherzegovina.un.org/en/258168-nearly-30-years-following-end-war-bosnia-and-herzegovina-war-victims-remain-neglected>.

⁵² See <https://fbihvlada.gov.ba/bs/9-zakon-o-zastiti-civilnih-zrtava-rata-u-federaciji-bosne-i-hercegovine> (in Bosnian).

⁵³ See https://corteidh.or.cr/docs/medidas/barrioscantuta_06.pdf (in Spanish).

⁵⁴ See https://www.corteidh.or.cr/docs/casos/articulos/seriec_491_esp.pdf (in Spanish); https://corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf; and https://www.corteidh.or.cr/docs/casos/articulos/seriec_444_esp.pdf (in Spanish).

⁵⁵ See https://www.corteidh.or.cr/docs/casos/articulos/seriec_538_esp.pdf (in Spanish).

⁵⁶ See https://www.corteidh.or.cr/docs/casos/articulos/seriec_491_esp.pdf (in Spanish); https://corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf; and https://www.corteidh.or.cr/docs/casos/articulos/seriec_444_esp.pdf (in Spanish).

⁵⁷ See https://www.corteidh.or.cr/docs/supervisiones/gudiel_09_09_22.pdf (in Spanish); and https://www.corteidh.or.cr/docs/supervisiones/seiscasosguatemaltecos_22_11_22.pdf (in Spanish).

⁵⁸ See <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGV.pdf>; <https://comisionacionaldebusqueda.gob.mx> (in Spanish); and <https://meif.org.mx> (in Spanish).

⁵⁹ A/HRC/36/39/Add.2, A/HRC/45/13/Add.3 and A/HRC/48/57.

persons; and (d) the establishment of a national search task force to coordinate all relevant institutions, including the Office of the Attorney General, foreign ministries, forensic experts, families and non-governmental organizations, and cooperate with mechanisms in other States.⁶⁰ Sustaining those efforts requires the involvement of families and continuous State commitment.

F. Addressing and preventing politicization, negationism and revisionism and promoting memory

33. In Bosnia and Herzegovina, the Balkan Investigative Reporting Network – founded to cover war crimes’ trials and provide transitional justice reporting – has developed innovative approaches to address the weaponization of media that perpetuates politicized divisive narratives. For example, it has created a database to track discriminatory rhetoric in political discourse, which has highlighted links to hate incidents.⁶¹ The Network also conducts fact-checking to counter disinformation and combat revisionism. Campaigns such as the survivors’ stories collected by the Srebrenica Memorial Center gained significant online traction, and a video marking the anniversary of the siege of Sarajevo captured global attention by portraying resilience. The Network has also trained teachers;⁶² developed factual materials to counter official historical revisionism, resulting in changes in history curricula;⁶³ and produced documentary films to provide a deeper understanding of atrocities by revealing the human stories behind historical events beyond victimization.⁶⁴

34. In Tunisia, independent journalists and platforms played a crucial role in documenting and reporting on the transitional justice process with a focus on marginalized aspects, thereby filling gaps left by mainstream media, advancing public understanding of the transitional justice process and serving as the memory of victims.⁶⁵

35. In Latin America, civil society organizations have led memory initiatives and called upon States to assume a more decisive role in developing comprehensive memory policies as a means to prevent and address politicization, negationism and revisionism.⁶⁶ Progress includes legislative recognition of memory rights, such as the Victims and Land Restitution Act passed in Colombia in 2011.⁶⁷ Argentina and Uruguay have specific legislation for memory sites, institutionalizing and protecting the memory initiatives of civil society organizations.⁶⁸ Both countries have also integrated memory work into education, including in school curricula. Other countries have created State memory spaces and regional memory networks.⁶⁹ Challenges include limited funding for existing memory policies and the risk of regression in situations in which policies are absent. That underscores the need for pluralistic approaches to historical memory that include diverse sources, including archives that hold invaluable records and human rights documentation, which are critical for transitional justice.

36. The Humanitarian Law Center Kosovo presents its monitoring and documentation in the form of exhibitions, documentaries and debates to inform the public about the facts of the war and facilitate the creation of collective memory. An exhibition entitled “The grave is

⁶⁰ See https://dof.gob.mx/nota_detalle.php?codigo=5650986&fecha=04/05/2022#gsc.tab=0 (in Spanish); and submission by Switzerland.

⁶¹ See <https://mapiranjemrznje.detektor.ba> (in Bosnian).

⁶² See <https://www.un.org/democracyfund/news/supporting-teachers-educating-about-bosnian-war>.

⁶³ See <https://ratnizlocin.detektor.ba/edukativni-centar> (in Bosnian).

⁶⁴ See <https://detektor.ba/2024/08/05/dokumentarni-film-detektora-premijerno-na-sff-u/?lang=en> (subtitled in English).

⁶⁵ See <https://www.justiceinfo.net/en/76790-tunisia-women-ordinary-victims-political-violence.html>; and <https://www.justiceinfo.net/en/113511-adel-maizi-remembrance-is-not-just-about-the-past-it-helps-build-the-future.html>.

⁶⁶ See <https://memoriaabierta.org.ar/wp> (in Spanish).

⁶⁷ See <https://www.centrodememoriahistorica.gov.co/micrositios/caminosParaLaMemoria/descargables/ley1448.pdf> (in Spanish).

⁶⁸ See http://www.saij.gob.ar/legislacion/ley-nacional-26691-preservacion_senalizacion_difusion_sitios.htm?5 (in Spanish); and <https://www.impo.com.uy/bases/leyes/19641-2018> (in Spanish).

⁶⁹ See <https://sitiosdememoria.org/es>.

better than nothing” commemorated those disappeared in the context of the armed conflict. The organization also tackles misinformation by organizing workshops and open discussions for all communities, schools and universities on dealing with the past, based on stories of people directly affected by the war.⁷⁰

37. The Swiss Peace Foundation (Swisspeace) focuses, among other things, on challenging existing narratives by creating archives that help preserve the memory of the armed hostilities between the Georgian and Abkhaz sides to prevent the recurrence of conflict and build sustainable peace. The project uses the commonalities among the affected communities prior to the conflict to build bridges and create a common narrative and perspective, with the aim of restoring a more objective picture of the past as an essential task for the healing of society.⁷¹

38. In Morocco, the Truth and Justice Forum promotes collective memorialization and reparation of human rights violations during the “years of lead”. Its initiatives include publishing victims’ histories, improving access to archives, installing memorial plaques and creating a virtual museum for women victims. It also organizes public education programmes, such as travelling caravans and visits to former detention centres, to raise awareness of past abuses. Those efforts preserve historical memory, provide symbolic reparations and foster community healing.

III. Lessons learned from challenging settings: actions available in the absence of preconditions for transitional justice

39. As noted in the 2023 guidance note on transitional justice, calls for transitional justice have arisen in increasingly diverse and complex contexts. Those include authoritarian settings, weakly institutionalized post-conflict settings, contexts of ongoing conflict and violence, situations affected by terrorism or violent extremism, and stagnating political transitions. In other contexts, parts of the transitional justice toolbox are being utilized even if preconditions for transitional justice are not present.

40. Even in those extremely challenging contexts, grass-roots organizations and victims’ associations, often led by women, have displayed courage, persistence and creativity with multiple actions that lay the ground for future transitional justice and harness its transformative potential for peace and development. Such actions include documentation of serious human rights violations; consultations with victims and survivors who are marginalized or excluded; the creation of associations of victims and survivors and networks to build strategic alliances and advocacy; the provision of immediate assistance to victims and survivors; recourse to regional and international human rights protection systems; access to international justice mechanisms; local initiatives to sustain calls for justice; and grass-roots initiatives for inclusive memory.

41. The present section sheds light on seven lessons learned from the regional consultations, providing examples of relevant practices mainly carried out by victims’ associations and grass-roots organizations in challenging contexts in which preconditions for transitional justice processes are lacking.

A. Document serious violations as the basis of all actions

42. The first lesson learned is that documentation of serious violations is an essential basis for actions related to transitional justice. For example, the Database Center for North Korean Human Rights, based in the Republic of Korea, has documented more than 87,000 cases of human rights abuses and maintains a comprehensive database without which it would be impossible to surmount the challenges of limited access to the Democratic People’s Republic of Korea.⁷² Other related and supporting activities are the provision of psychosocial support,⁷³

⁷⁰ See <https://www.hlc-kosovo.org/en>.

⁷¹ See <https://www.swisspeace.ch/assets/publications/downloads/AEP-Publication-.pdf>.

⁷² See <https://en.nkdb.org/record>.

⁷³ See <https://en.nkdb.org/Gyeongidocenter>.

legal advice,⁷⁴ and memorialization efforts through initiatives such as the creation of a human rights museum to engage younger generations on non-recurrence.⁷⁵

43. Mwatana has documented more than 13,000 human rights violations across Yemen. It has conducted thousands of interviews, focusing on the needs of victims and ensuring the preservation of evidence for future transitional justice efforts.⁷⁶ It has launched an interactive human rights violations map based on more than 15,500 incidents reported in the context of war, as part of building a comprehensive memory that preserves victims' rights and serves as the basis for seeking accountability for serious violations.⁷⁷

B. Reach out to marginalized and excluded victims and ensure their experience is fully addressed

44. A second lesson has been the importance of reaching out to marginalized and excluded victims as a means of achieving inclusive and sustainable transitional justice processes that leave no one behind. In the Democratic Republic of the Congo, Impunity Watch has supported victim participation in policymaking on transitional justice through two strategies. First, it conducted research among more than 700 individuals in North Kivu, South Kivu and Ituri – who had not been included in official consultations – to gather their expectations of the national transitional justice policy. The findings were translated into an advocacy strategy, targeting national authorities and the international community to ensure that the national policy was relevant to all victims and therefore more sustainable.⁷⁸ A second strategy has focused on supporting coalition-building among victims' groups, which are using the research findings referred to above as part of their advocacy strategies towards authorities, thus collectively pushing for a national transitional justice policy that responds to the demands of all victims.⁷⁹

45. In South Sudan, civil society organizations under a women-led coalition lobbied for women's participation and positioned women's demands for the permanent constitution that would replace the Transitional Constitution adopted in 2011. The platform also contributed to the development of the South Sudan Women's Charter, which empowers women to articulate their concerns and priorities in the permanent Constitution.⁸⁰

C. Foster associations and networks of victims and survivors to build strategic alliances and advocacy

46. A third lesson is that victims and survivors acting in associations and networks can optimize advocacy opportunities, leading to greater voice and impact. In the Syrian Arab Republic, victims have organized around the plight of the missing and illegally detained, forming a cohesive agenda under the Truth and Justice Charter, and lobbying international policymakers for support to know the fate and whereabouts of victims.⁸¹ Persistent advocacy by victims' families led to a process to establish a United Nations mechanism to determine the fate of the missing, namely the Independent Institution on Missing Persons in the Syrian Arab Republic.⁸² Victims, especially women, played a central role in that achievement, showcasing the power of collective action and international alliances.

47. In Nicaragua, the Asociación Madres de Abril (AMA) (Mothers of April Association) has unified families of victims of repression to demand truth and justice and challenge

⁷⁴ See <https://en.nkdb.org/centerforhumanrightslegalsupport>.

⁷⁵ See <https://en.nkdb.org/nkhrmuseum>.

⁷⁶ See <https://www.mwatana.org/posts-en/security-and-justice-sectors>.

⁷⁷ See <https://www.mwatana.org/posts-en/a-decade-of-gunpowders-legacy>.

⁷⁸ See <https://www.impunitywatch.org/publications/policy-brief-drc-victim-expectations-of-transitional-justice-english>.

⁷⁹ Submission by the Kingdom of the Netherlands.

⁸⁰ Submission by UN-Women and UNDP.

⁸¹ See https://cad5e396-f48c-4e90-80f5-27ccad29f65e.filesusr.com/ugd/f3f989_ea2bcacb68664b52a2b9dc090b3c775e.pdf.

⁸² See <https://iimp.un.org>.

ongoing impunity for human rights violations. Through documentation of human rights violations and the creation of a virtual museum – AMA y No Olvida – the Association ensures that the memory of victims remains alive while also bringing those cases to international forums.⁸³ By maintaining solidarity and using international platforms, the Association keeps the struggle for justice alive.

48. The International Network of Victims and Survivors of Serious Human Rights Abuses is led by victims and survivors advocating for justice through direct participation in the formulation of policies at national, regional and international forums. It strives to create safe and meaningful spaces for engagement, to provide a platform where victims and survivors can exchange experiences, take ownership of what works best for them and broker space for their voices and claims to be heard at national, regional, and global policy levels. In doing so, it seeks to address the disconnect between victims and policy processes to make sure that justice, reparations and reform deliver meaningful results for victims.⁸⁴

D. Provide immediate assistance to victims

49. A fourth lesson is that immediate assistance to victims – medical, psychosocial, and legal assistance among others – is crucial to address their urgent needs and enable them to participate in justice processes and, in parallel, to advocate to build the political will to engage duty bearers in transitional justice measures and processes. Mwatana in Yemen provides legal assistance to victims of arbitrary detention, torture and enforced disappearances, and has contributed to the release of individuals.⁸⁵ In Libya, civil society organizations, such as the Families of Tarhuna Victims Organization and the Tarhuna Victims Association, have promptly assisted families of victims of enforced disappearances and extrajudicial killings with the retrieval and burial of victims and the facilitation of the issuance of death certificates,⁸⁶ while advocacy efforts are being carried out for transitional justice measures, including for reparation programmes.

50. In Myanmar, apart from playing a critical role in documenting human rights violations, the efforts of civil society organizations include awareness-raising initiatives and reparation programmes to address the immediate harms of victims and survivors. In Ukraine, the SEMA Network provides legal and psychosocial assistance to victims of conflict-related sexual and gender-based violence. It also documents cases and conducts advocacy to enhance visibility of these crimes, and ensure urgent interim reparations for survivors, their official recognition as victims of war and their inclusion in decision-making processes.⁸⁷

E. Ensure access to regional and United Nations human rights mechanisms

51. A fifth lesson is that access to, and special mechanisms of, regional and international human rights protection systems can be a means of building the ground for transitional justice processes, in particular regarding guarantees of non-recurrence at the societal level.⁸⁸ Victims' associations and civil society organizations have felt compelled to turn to, and advocate with, regional and international human rights systems to denounce serious past and present human rights violations to be able to persevere with their work in the face of shrinking

⁸³ See <https://www.museodelamemorianicaragua.org>.

⁸⁴ Submission by the Kingdom of the Netherlands.

⁸⁵ See <https://www.mwatana.org/posts-en/first-half-of-2024en>.

⁸⁶ See <https://unsmil.unmissions.org/un-visits-tarhuna-launch-new-report-mass-graves>; and <https://libyaobserver.ly/news/tarhouna-victims-association-welcomes-icc-arrest-warrants-mass-graves-perpetrators>.

⁸⁷ See <http://semaukraine.org.ua/en>.

⁸⁸ A/HRC/30/42 (paras. 77–91), in which the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence identified three main areas of guarantees of non-recurrence at the societal level: (a) ceasing attacks and threats against civil society representatives, including human rights defenders, and removing obstacles for civil society; (b) legal empowerment, including at the community level; and (c) creating enabling environments for civil society more broadly.

civic space. Of particular note are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights at the regional level,⁸⁹ as well as the Human Rights Council, OHCHR, commissions of inquiry⁹⁰ and the special procedures.⁹¹

52. In Yemen, civil society organizations engage in advocacy at the national and international levels, including through submissions to the United Nations, to request accountability and raise awareness of the ongoing humanitarian crisis in Yemen.⁹² A combination of documentation, advocacy and legal assistance and raising this with regional and international mechanisms is an essential part of their strategy to respond to the challenges of laying the ground for transitional justice in a conflict setting.⁹³

F. Recourse to international judicial mechanisms and universal jurisdiction

53. A sixth lesson is that international justice mechanisms and the exercise of universal jurisdiction can provide alternatives in situations in which justice at the national level is not forthcoming. Human rights organizations in Myanmar rely on international accountability mechanisms, such as the Independent Investigative Mechanism for Myanmar, aiming at ensuring justice and redress for victims. They have also addressed their concerns to the Office of the Prosecutor of the International Criminal Court. The Office has opened an investigation into the situation of human rights in Myanmar and has recently requested an arrest warrant for crimes against humanity of deportation and persecution of the Rohingya.⁹⁴ Civil society organizations have filed applications in countries such as Germany and Türkiye under universal jurisdiction.⁹⁵ In Argentina, a filing in 2019 by the Burmese Rohingya Organisation UK led to a request for arrest warrants for members of the Government and military of Myanmar following an investigation into genocide against the Rohingya.⁹⁶

54. Syrian victims' associations, such as the Caesar Families Association, document human rights violations and collect evidence of international crimes committed during the Syrian conflict for the purpose of supporting litigation in European countries with universal jurisdiction, by collaborating with international non-governmental organizations and legal teams.⁹⁷ For example, in 2022, the former head of investigation of a detention facility operated by the Syrian intelligence service was convicted in Germany for crimes against humanity⁹⁸ and, in 2024, three senior Syrian officials were convicted in absentia in France for crimes against humanity.⁹⁹

55. In order to facilitate access to justice for victims of the decades of serious violations and abuse regarding the protracted situation in the Occupied Palestinian Territory, various initiatives have turned to international justice mechanisms. In 2018, the State of Palestine referred the situation in the State to the Office of the Prosecutor of the International Criminal

⁸⁹ See <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/meseve/default.asp>; and https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/227.asp&utm_content=country-ven&utm_term=class-corteidh.

⁹⁰ See [A/HRC/55/27](#), [A/HRC/57/57](#) and [A/HRC/57/86](#).

⁹¹ See <https://www.ohchr.org/en/press-releases/2024/09/venezuela-must-stop-human-rights-violations-following-elections-say-experts>; and https://www.ecoi.net/en/file/local/2073770/26052022-Afghan-SR-visit_press-statement.docx.

⁹² See <https://www.mwatana.org/reports-en/upr-yemen-46>.

⁹³ See <https://www.mwatana.org/posts-en/first-half-of-2024en>.

⁹⁴ See <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-application-arrest-warrant-situation-bangladesh>.

⁹⁵ See <https://www.reuters.com/world/asia-pacific/myanmar-activists-victims-file-criminal-complaint-germany-over-alleged-2023-01-24/>; <https://www.voanews.com/a/rights-group-files-torture-case-against-myanmar-junta-in-turkey/6517695.html>; and <https://iimm.un.org/universal-jurisdiction>.

⁹⁶ See <https://iimm.un.org/universal-jurisdiction>; <https://trialinternational.org/latest-post/universal-jurisdiction-case-in-argentina-an-important-decision-for-the-rohingyas>; and <https://www.brouk.org.uk/argentine-prosecutor-seeks-arrest-warrants-for-rohingya-genocide>.

⁹⁷ See <https://www.caesarfamilies.org/new-criminal>; <https://scm.bz/en>; and <https://syrianarchive.org>.

⁹⁸ See <https://www.ecchr.eu/en/press-release/syria-verdict-anwar-r>.

⁹⁹ See <https://www.hrw.org/news/2024/05/27/syrian-officials-convicted-crimes-against-humanity-france>.

Court. After opening an investigation in 2021, the Office of the Prosecutor filed applications for arrest warrants earlier this year¹⁰⁰ and, in November 2024, the Court issued arrest warrants for crimes against humanity and war crimes.¹⁰¹

G. Support grass-roots initiatives for inclusive memory

56. A seventh lesson is that grass-roots organizations have a crucial role in ensuring appropriate and inclusive memorialization. The Syrian Oral History Archive, an initiative launched by Dawlaty, is a documentation project that captures individual voices and local knowledge to create collective memorialization. Since 2016, more than 400 testimonies have been collected, through field interviews of voluntary narrators, regarding the experiences of young people, and of women relatives of the missing, the disappeared and the detained. It is primarily conducted in the Syrian Arab Republic, though it also extends to Syrian refugees in Lebanon and Jordan.¹⁰² Dawlaty, together with Women Now for Development, has also produced a report to highlight the suffering of women as a consequence of the detention or disappearance of their relatives.¹⁰³

57. In Haiti, victims and civil society organizations have developed their own concepts, models and tools to collect stories as part of truth-seeking. The Fondation Devoir de Mémoire started commemorating significant events and expanded its work to include travelling exhibits detailing the chronology of the dictatorship, engaging with rural communities and presenting a full spectrum of victims. That encouraged people to share their stories, documents and photos, making it a powerful tool for collective mourning and empowerment. The Foundation's work highlights the importance of understanding historical events to avoid divisive narratives and build a more united future.¹⁰⁴ In Afghanistan, initiatives such as the Afghanistan Memory Home – a virtual museum honouring victims – serve to keep their stories alive and stress demands for justice.¹⁰⁵

IV. Emerging and evolving areas

58. There is an increasing recognition of certain emerging and evolving areas to ensure sustainable transitional justice processes, which include the provision of mental health and psychosocial support; ensuring corporate accountability and accountability for environmental harms in the context of massive human rights violations; adopting transitional justice approaches to the nuclear legacy; and the provision of reparatory justice for legacies of enslavement, colonialism and other historical injustices, including those affecting Indigenous Peoples. Through research and the above-mentioned regional meetings, OHCHR noted initiatives in those areas, which are all relevant to broader peace and development.

59. The importance of integrating psychosocial approaches in transitional justice has been underscored, while recognizing mental health and psychosocial support as a means of addressing the impact of past violations. In a report by the International Center for Transitional Justice,¹⁰⁶ the authors study the ways in which mental health and psychosocial support can make transitional justice more impactful on the well-being of victims, communities and broader social systems. A psychosocial approach has been successfully integrated by the Wave Trauma Centre in Northern Ireland, which conducts trauma-focused work by providing mutually reinforcing psychosocial services and trauma education

¹⁰⁰ See <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

¹⁰¹ See <https://www.icc-cpi.int/palestine>.

¹⁰² See <https://soha.dawlaty.org/en/page/rj1e5yuvpqb/about-soha>. <https://huridocs.org/resource-library/human-rights-research-databases/syrian-oral-history-archive-soha/>

¹⁰³ See <https://dawlaty.org/wp-content/uploads/2018/11/English-V-both.pdf>.

¹⁰⁴ See <https://www.devoirdememoire.ht> (in French).

¹⁰⁵ See <https://afghanistanmemoryhome.org>.

¹⁰⁶ See <https://www.ictj.org/resource-library/%E2%80%98-search-people%E2%80%99s-well-being%E2%80%99-mainstreaming-psychosocial-approach-transitional>.

programmes.¹⁰⁷ Another example is the Indian Residential Schools Resolution Health Support Programme in Canada, which provides trauma-informed emotional support and education to survivors and their families, combining cultural and Western therapeutic approaches.¹⁰⁸

60. The Working Group on the issue of human rights and transnational corporations and other business enterprises has underscored the importance of integrating corporate accountability into transitional justice frameworks, as articulated in the Guiding Principles on Business and Human Rights, which emphasize the responsibility of business enterprises to respect human rights, and access to effective remedies.¹⁰⁹ Examples include financial settlements in Indonesia and compensation for victims of forced labour in the Republic of Korea.¹¹⁰ The Working Group has advocated for expanding the scope of truth commissions and special jurisdictions to explicitly address corporate accountability, and also promoted implementing heightened human rights due diligence to strengthen corporate accountability in transitional justice.

61. Efforts are also being deployed to explore the links between environmental harms and transitional justice, including by involving affected communities in decision-making for sustainable, justice-oriented solutions.¹¹¹ In Colombia, the Special Jurisdiction for Peace has included Indigenous and ethnic peoples in its processes by accrediting territories as victims, and integrating their cultural and spiritual ties to the environment into justice efforts.¹¹² In Brazil, teams of legal experts are supporting Indigenous Peoples in combating deforestation-related crimes by introducing concepts such as ecocide and referring cases to the International Criminal Court.¹¹³

62. In a recent report, OHCHR underscored the relevance of transitional justice approaches to address nuclear legacies, highlighting the need for truth as a foundation for accountability, reparations and guarantees of non-repetition in the Marshall Islands, and to empower affected communities.¹¹⁴ Grass-roots organizations, such as Radiation, Exposure, Awareness, Crusaders for Humanity – Marshall Islands, have been instrumental in raising awareness of affected communities, and advocating for the preservation of cultural identity and seeking accountability for the nuclear testing legacy.¹¹⁵

63. Transitional justice norms and measures are informing efforts to confront legacies of historical injustices, especially against people of African descent and Indigenous Peoples, including through reparatory justice for legacies of enslavement and colonialism.¹¹⁶ Impactful initiatives that are opening the discussion and pressing for State responses include the Caribbean Community's Ten Point Plan for Reparatory Justice,¹¹⁷ the Truth and Reconciliation Commission Concerning the Sámi People,¹¹⁸ and the Special Commission

¹⁰⁷ See <https://wavetraumacentre.org.uk>.

¹⁰⁸ See <https://www.sac-isc.gc.ca/eng/1581971225188/1581971250953>.

¹⁰⁹ See A/75/212; A/HRC/50/40/Add.4; and <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/20240809-eom-statement-colombia-wg-business-es.pdf> (in Spanish).

¹¹⁰ See <https://www.business-humanrights.org/en/latest-news/indonesia-after-two-decades-exxonmobil-settles-case-of-alleged-human-rights-abuses-including-torture-brought-by-aceh-villagers>; <https://www.reuters.com/world/asia-pacific/skorea-forced-labour-victim-receives-compensation-japanese-firm-family-lawyer-2024-02-20>; and <https://www.business-humanrights.org/en/latest-news/s-korea-supreme-court-orders-japanese-mitsubishi-heavy-industries-and-nippon-steel-corporation-to-compensate-families-of-forced-labour-victims-during-japans-1910-45-colonial-rule>.

¹¹¹ See <https://berghof-foundation.org/news/dialogue-between-transitional-justice-and-climate-justice>.

¹¹² See <https://www.jep.gov.co/Sala-de-Prensa/Paginas/la-JEP-protege-los-territorios-y-el-medio-ambiente-en-los-macrocasos-priorizados-por-la-sala-de-reconocimiento.aspx> (in Spanish).

¹¹³ See <https://brazil-crimes.org>. See also <https://www.ohchr.org/en/statements-and-speeches/2024/12/hc-turk-recognising-ecocide-international-crime>.

¹¹⁴ A/HRC/57/77.

¹¹⁵ See <https://www.reach-mi.org>.

¹¹⁶ A/78/317, A/HRC/47/53 and A/HRC/57/67.

¹¹⁷ See <https://caricom.org/caricom-ten-point-plan-for-reparatory-justice>.

¹¹⁸ See <https://sdtsk.fi/en/home>.

charged with examining the Congo Free State and the Belgian colonial past in the Congo, Rwanda and Burundi.¹¹⁹

V. Conclusions and recommendations

A. Conclusions

64. States have obligations to provide for effective remedy and redress for victims, including the fulfilment of the rights to truth, justice, reparation and the prevention of recurrence, when grappling with legacies of conflict and/or large-scale and serious human rights violations and abuses.

65. There are a wealth and breadth of good practices and lessons learned contributing to sustaining peace and sustainable development and the realization of the Sustainable Development Goals, particularly Goal 16, that have been collected in a robust consultative process, including through dedicated meetings in five regions.

66. Transitional justice processes are often subject to political instrumentalization or to a discriminatory or otherwise selective use, hindering their important potential for peace and development. To address those major obstacles, victims' associations and grass-roots organizations have developed bottom-up initiatives that are victim-centred, inclusive, gender-responsive and innovative, and contribute to early, tangible or transformational effects on victims and affected communities. In the present report, OHCHR has identified those as good practices that are being employed to address recurring key challenges, by finding ways to build political will, address accountability, broaden the toolbox for reparations, make space for victims' voices, strengthen institutional responses, and prevent politicization, negationism and revisionism.

67. The report also bears witness to the role, even in challenging and at times adverse contexts, of grass-roots organizations and victims' associations, often led by women, that have displayed courage, persistence and creativity with multiple actions that lay the ground for future transitional justice and harness its transformative potential for peace and development. Such actions include documentation of serious human rights violations; consultations with victims and survivors who are marginalized or excluded; the creation of associations and networks of victims and survivors to build strategic alliances and advocacy; the provision of immediate assistance to victims and survivors; recourse to regional and United Nations human rights mechanisms; access to international justice mechanisms; and grass-roots initiatives for inclusive memory.

B. Recommendations

68. Member States are encouraged:

(a) To maximize the impact of the good practices identified in the report and ensure their sustainability, through their expansion, adoption of similar measures, and provision of dedicated support and complementary measures, as part of a holistic approach to transitional justice that promotes all its key elements of truth, justice, reparation and guarantees of non-recurrence;

(b) To regularly consult victims' associations and civil society organizations to ensure that measures adopted in the implementation of transitional justice processes remain victim-centred, inclusive, gender-responsive and innovative, and contribute to an early, tangible or transformational impact on victims and affected communities, including by institutionalizing them through national laws, policies, entities, strategic frameworks, action plans and resources;

¹¹⁹ See <https://www.lachambre.be/kvvcr/showpage.cfm?language=fr§ion=/pri/congo&story=commission.xml> (in French).

(c) To ensure dedicated long-term support and protection to help create a conducive environment for transitional justice measures and initiatives, as well as related experts and personnel, to work independently and free from threats and reprisals;

(d) To use the Sustainable Development Goals framework to accelerate the design and implementation of transitional justice initiatives and to enhance data collection and reporting on progress and impact, including through the development of transitional justice-specific indicators.¹²⁰

69. The United Nations system, regional organizations and the international community are encouraged:

(a) To better harness the good practices and the lessons learned in challenging contexts, as identified in the present report, and provide adequate and long-term support and exposure;

(b) To empower victims' associations and grass-roots organizations leading good practices and lessons learned initiatives, supporting them to continue to lay the ground for future transitional justice efforts, and harness their transformative potential for peace and development;

(c) To develop innovative and practice-oriented methodologies for data collection to measure, monitor and evaluate progress on transitional justice that can reflect and visualize long-term benefits, including by designing and implementing a select number of joint pilot projects involving OHCHR, the United Nations Development Programme, the Peacebuilding Support Office and other United Nations entities as appropriate.

70. The Human Rights Council is encouraged to remain seized of the matter, including by requesting OHCHR to increase the strategic advice, support and capacity-building to Member States and other stakeholders, upon their request, to implement the recommendations of relevant OHCHR reports on transitional justice,¹²¹ including on lessons learned and good practices; to maximize the contribution of transitional justice to peace and development, notably Sustainable Development Goal 16; to strengthen the dedicated capacity of OHCHR at regional level to provide such increased support; and to enhance monitoring and evaluation of progress, including by assessing the impact of transitional justice initiatives for victims, affected communities and societies at large, by making available dedicated resources.

¹²⁰ See [A/HRC/49/39](#).

¹²¹ *Ibid.* and the present report.

Annex

Regional meetings: List of participating entities

Europe and North America meeting, 18–20 October, Geneva, Switzerland

Asociación para la Recuperación de la Memoria Histórica (Spain)
 Association Forgotten Children of War (Bosnia and Herzegovina)
 Balkans Investigate Reporting Network (Bosnia and Herzegovina)
 Danish Institute Against Torture (Denmark)
 Eastern-Ukrainian Center for Civic Initiatives (Ukraine)
 European Peacebuilding Liaison Office (Belgium)
 Facility on Justice in Conflict and Transition
 Global Learning Hub for Transitional Justice and Reconciliation, Berghof Foundation (Germany)
 Humanitarian Law Center in Kosovo (Kosovo)¹
 Impunity Watch
 International Center for Transitional Justice
 International Development Law Organization
 Justiceinfo.net
 Mapas de Memoria (Spain)
 Mémoire et Partages (France)
 Office of the Commissioner for Human Rights, Council of Europe
 Sami Parliament Steering Group for a Truth Commission (Sweden)
 Swisspeace (Switzerland)
 Ukrainian Helsinki Human Rights Union (Ukraine)
 Wave Trauma Centre (United Kingdom)
 Youth Initiative for Human Rights (Serbia)
 Historical injustices and MHPSS specialist (Canada)
 Historical injustices and transitional justice specialist (Belgium)
 Transitional justice specialist (Austria)

Middle East and North Africa meeting, 6–8 December, Rabat, Morocco

Al-Haq (State of Palestine)
 Caesar Families Association (Syria)
 Cairo Institute for Human Rights Studies (Egypt)
 Centre d'Etudes en Droits Humains et Démocratie (Morocco)

¹ All references to Kosovo shall be understood to be in full compliance with United Nations Security Council Resolution 1244 (1999).

Centre ElKawakiby pour la Transition Démocratique (Tunisia)
Conseil National des Droits de l'Homme (Morocco)
Dawlaty (Syria)
Designated Expert of the High Commissioner on human rights in Sudan
Eyzidi Organization for Documentation (Iraq)
Facility on Justice in Conflict and Transition
Forum Marocain pour la Verité et la Justice (Morocco)
Impunity Watch
Jiyan Foundation for Human Rights (Iraq)
Justiceinfo.net (Tunisia)
Lawyers for Justice in Libya (Libya)
Legal Agenda (Lebanon)
Mwatana for Human Rights (Yemen)
National Commission for Investigation into Allegations of Human Rights Violations in Yemen (Yemen)
Tarhuna Family Victims Associations (Libya)
Women Now for Development (Syria)
Yemen Policy Centre (Yemen)
Academic experts (Libya, United States)

Latin America and the Caribbean meeting, 20–22 February, Bogotá, Colombia

Alianza Cinco Claves (Colombia)
Asociación Madres de Abril (Nicaragua)
Baobab Centre for Racial, Gender and Environmental Justice (Colombia)
Bureau des Droits Humains en Haïti (Haiti)
Caribe Afirmativo (Colombia)
Centro de Derechos Humanos, Universidad Católica Andrés Bello (Venezuela)
Comisión Colombiana de Juristas (Colombia)
Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (Colombia)
Comissão de Anistia, Ministry of Human Rights and Citizenship (Brazil)
Corporación Jurídica Libertad (Colombia)
Corte Interamericana de Derechos Humanos
Equipo de Reflexión, Investigación y Comunicación (Honduras)
Equipo Peruano de Antropología Forense (Peru)
Fondation Devoir de Mémoire (Haiti)
Fundación Comunicándonos (El Salvador)
Grupo de denuncia por torturas y abuso sexual (Uruguay)
Impunity Watch (Guatemala)

International Center for Transitional Justice (Colombia)
 Jurisdicción Especial para la Paz (Colombia)
 Mecanismo para la Verdad y el Esclarecimiento Histórico (Mexico)
 Memoria Abierta (Argentina)
 Movimiento Nacional de Víctimas de Crímenes de Estado (Colombia)
 Oficina de Coordinación de Causas Derechos Humanos, Corte Suprema (Chile)
 Programa de Derechos Humanos, Ministerio de Justicia y Derechos Humanos (Chile)
 UN Committee on the Elimination of Racial Discrimination
 Unidad para la Atención y Reparación Integral a las Víctimas (Colombia)
 Unidad de Búsqueda de Personas dadas por Desaparecidas (Colombia)
 UN Working Group on Enforced or Involuntary Disappearances
 Expert on environmental crimes (Brazil)
 Judges (Argentina, Guatemala)
 Traditional leader of Nasa People (Colombia)
 Transitional justice specialist (Mexico)

Africa online meetings, 14 and 28 May 2024

African Union Commission
 Association des Blogueurs pour une Citoyenneté Active (Niger)
 Association Mauritanienne des Droits de l'Homme (Mauritania)
 Association des Parents et Amis des Victimes du 28 Septembre (Guinea)
 Association des Victimes des Crises du Régime de Hissène Habré (Chad)
 Centre for Inclusive Governance, Peace and Justice (South Sudan)
 Centre for the Study of Violence and Reconciliation (South Africa)
 Coalition Congolaise sur la Justice Transitionnelle (Democratic Republic of Congo)
 Cooperation Rehabilitation of Victims (Ethiopia)
 Forum National des Jeunes des Partis Politiques de Guinée (Guinea)
 Global Justice and Research Project (Liberia)
 Grace Agenda Survivor (Kenya)
 Groupe de Recherche-Action sur la Sécurité Humaine (Burkina Faso)
 Impunity Watch (Burundi)
 Information Forum for Eritrea (Eritrea)
 International Federation of Women Lawyers (Nigeria)
 LAC-LAC Network (Niger)
 Musée des Civilisations Noires (Senegal)
 Organization of Victims and Survivors (Ethiopia)
 Réseau des Jeunes pour le Développement et le Leadership au Tchad (Chad)
 Solidarité Féminine Pour La Paix et le Développement Intégral (Democratic Republic of Congo)

UN Independent Expert on the situation of human rights in Central African Republic
UN Independent Expert on the situation of human rights in Mali
UN Working Group on the use of mercenaries
Urgences Panafricanistes
Women's Association for Victims' Empowerment (The Gambia)
Academic expert (Cameroon)
Transitional justice specialist (South Sudan)

Asia and the Pacific online meetings, 18 and 30 September 2024

Aceh Truth and Reconciliation Commission (Indonesia)
Adayaalam Centre for Policy Research (Sri Lanka)
ASEAN Institute for Peace and Reconciliation
Asia Justice and Rights (Indonesia)
Assosiasaun Chega! ba Ita (East Timor)
Batticaloa Peace Committee (Sri Lanka)
Commission of Inquiry on Enforced Disappearances (Bangladesh)
Database Center for North Korean Human Rights (Republic of Korea)
Duay Jai Group (Thailand)
Extrajudicial Execution Victim Families Association (India)
International Network of Victims and Survivors of Serious Human Rights Abuses
Jeju 4.3 Peace Foundation (Republic of Korea)
Kdei Karuna (Cambodia)
KontraS (Indonesia)
Nagarik Awaz (Nepal)
Network for Human Rights Documentation-Burma (Myanmar)
Radiation Exposure Awareness Crusaders for Humanity (Marshall Islands)
Rawadari (Afghanistan)
Solomon Islands Trauma Healing Association (Solomon Islands)
Transitional Justice Coordination Group (Afghanistan)
UN Working Group on Business and Human Rights
UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
UN Special Rapporteur on the right to development
Women's Active Museum on War and Peace (Japan)
Human rights activists (Myanmar)
Transitional justice specialists (Maldives, The Philippines)
