



General Assembly

Distr.: General
14 July 2022

Original: English

Seventy-seventh session

Item 68 (b) of the preliminary list*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Promotion of truth, justice, reparation and guarantees of non-recurrence

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, in accordance with Human Rights Council resolution [45/10](#).

* [A/77/50](#).



Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli

Sustainable Development Goals and transitional justice: leaving no victim behind

Summary

In the present report, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, links transitional justice with the Sustainable Development Goals process through a people-centred and victim-centred approach.

The Special Rapporteur assesses the meaningful role that people-centred transitional justice processes can play in breaking cycles of violence and as key drivers of change; reviews the potential of recognition, reparation, social mobilization and youth-centric processes to effect change and foster prevention; and sketches out the initial contours of an operational framework for people-centred approaches to transitional justice that could guide States' commitments in the context of the Sustainable Development Goals process.

Contents

	<i>Page</i>
I. Introduction	4
II. General considerations	4
III. Breaking the cycles of crisis and violence	5
IV. Contribution of transitional justice to people-centred approaches	7
A. Recognition	8
B. Transformative reparations	12
C. Movements for change	14
D. Prevention: focus on young people	15
V. Operationalizing the role of transitional justice in people-centred approaches to justice: a framework for commitments that can make a difference	17
A. Commitments at the advocacy level	17
B. Commitments at the programme level	18
VI. Conclusions and recommendations	21

I. Introduction

1. The present report is submitted by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, pursuant to Human Rights Council resolution [45/10](#). In compliance with this mandate, and mindful of the high-level political forum on sustainable development to be convened under the auspices of the General Assembly in September 2023, the Special Rapporteur decided to devote the present report to assessing people-centred approaches to transitional justice that could guide States' commitments in the context of the Sustainable Development Goals process. To inform the present report, the Special Rapporteur consulted experts and relevant stakeholders and held an open consultation. He thanks everyone for their contributions and thanks the respondents to his questionnaire for the submissions received.¹

II. General considerations

2. The linkage between transitional justice² and the Sustainable Development Goals has been firmly established. The contributions of transitional justice to the sustaining peace agenda and to human development have been duly formulated, and specific ideas to maximize impact have been defined.³ Commitments by Member States in the context of the Goals process constitute an important opportunity that will have an impact on programming, policies and methodologies in the areas of justice, development and security. The Special Rapporteur strongly encourages Member States, international organizations and civil society to use this process well to further strengthen, in particular, operational linkages between different policy interventions, both regarding advocacy and reform and regarding the rule of law and development programming.

3. Connecting and considering joint responses become even more important in the face of current crises and shocks, which are economic, environmental and social in nature. Transitional justice can play an important role in responses by the international community to address these crises. Over the years, the field of transitional justice has demonstrated an extraordinary ability to adapt and respond to conflicts. In the aftermath of the Cold War, there has been a growing willingness to address human rights violations and war crimes following periods of violent conflict or authoritarian rule. Transitional justice mechanisms, such as truth commissions, prosecutions and reparation programmes, have contributed to democratization and peacebuilding processes. Adapting to different political, social and cultural environments, the thinking and practice with regard to transitional justice have broadened in recent years. More attention is paid to the role of the private sector and corruption, the empowerment of survivors, healing and memorialization, and measures to prevent future human rights violations. At the same time, State and civil society actors alike must navigate in complex contexts and protracted conflicts such as in Colombia, Iraq, Mali and the Syrian Arab Republic, and not every effort has proved successful. With the war in Ukraine and a re-emerging polarization of the international system, collaborative and inclusive approaches to peace and justice face paramount challenges.

¹ The Special Rapporteur also thanks Thomas Unger for his research on and analysis of the topic.

² The definition of transitional justice used in the present report refers to the United Nations definition as expressed in [S/2004/616](#). A transformational perspective has, rhetorically, taken root in United Nations measures for transitional justice. See the 2010 guidance note of the Secretary-General on a United Nations approach to transitional justice; the 2014 guidance note of the Secretary-General on reparations for conflict-related sexual violence; [S/2018/900](#); Committee on the Elimination of Discrimination against Women, general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, paras. 34 and 79; and [A/75/174](#), para. 41.

³ [A/HRC/49/39](#) and UNDP, "From justice for the past to peace and inclusion for the future", 2020.

4. In the present report, the Special Rapporteur will build on the need to help to overcome these ever-growing challenges. He will do so from the perspective of victims and survivors, who are often forgotten in discussions about what needs to be done, yet they hold the key to a better and more just future. The Special Rapporteur has a specific mandate to promote victims' voices in policy processes, "to integrate a victim-centred approach throughout the work of the mandate".⁴ The present report will be devoted to further helping to operationalize the linkage between transitional justice and development from this perspective. The focus on victims and survivors is fully in line with the people-centred approach to justice that is at the heart of the Sustainable Development Goals process, especially with regard to Goal 16, which seeks to embed issues of access to justice more firmly in the work on development and change.

III. Breaking the cycles of crisis and violence

5. A key motivation for including justice in the Sustainable Development Goals was the widening of the justice gap that leaves certain people outside the protection of the law, with no access to justice.⁵ The gap is expanding, particularly for victims and survivors, while impunity is increasing globally. The United Nations Development Programme (UNDP) no longer refers to a crisis but rather to a global justice emergency. The gap is even wider for some groups, such as minorities and indigenous people, and people from affected communities and other marginalized groups. There is a strong gendered dimension to the current justice crisis that deepens inequality and nurtures discrimination. The coronavirus disease (COVID-19) pandemic affected victims' access to justice, reparations, truth-seeking initiatives and other transitional justice processes. Shocks are likely to increase, given the economic, energy and environmental state of the world. There is a growing awareness internationally of the linkages between shocks and crises. In a recent report on the global outlook for refugees, the Office of the United Nations High Commissioner for Refugees highlights these linkages well, indicating that growing inequality is spurring conflicts; a lack of good governance, including a lack of justice, undermines development in many situations; and climate change amplifies the fight for resources, which in turn spurs rising ethnic conflicts.⁶

6. We know more today about what the problems are, but our responses are lagging seriously behind. Hence, interventions aimed at reducing the likelihood of crisis will become more important. In moments of loss, or often perceived loss, the political responses adopted by Governments can take many forms and elicit positive or negative changes. The Special Rapporteur sees, however, a concerning growth in polarization that proposes to "take back control", undermines democracy and reduces civic space. Violent approaches may therefore increase as a response to crises. The rapid, global growth of authoritarian regimes and divisive ideologies is of great concern, particularly as the political tools used within an authoritarian logic are exclusion, division and violence. The recurrence of crises and violence is not new in human history, but it once again begs the question of how to break cycles of violence and what needs to change to ensure a better future. These are key questions for today's societies and their leaders.

7. Transitional justice can play an important role in breaking cycles of violence, if designed and implemented in a truly victim-centred way. Its role as a driver for change

⁴ Human Rights Council resolution 18/7, renewed through Council resolution 45/10.

⁵ International Center for Transitional Justice, "On solid ground: building sustainable peace and development after massive human rights violations", 2019, available at www.ictj.org/sites/default/files/ICTJ_Report_WG-TJ-SDG16%2B_2019_Web.pdf.

⁶ Office of the United Nations High Commissioner for Refugees, "Global trends: forced displacement in 2021", available at www.unhcr.org/62a9d1494/global-trends-report-2021.

will need to increase rather than decrease. Transitional justice comes with a clear message of responsibility – responsibility for crimes of the past and responsibility for choosing ways that change the future for the better. Besides the clear legal obligations that require States to address past crimes and put in place guarantees to prevent their recurrence, transitional justice also makes political sense, as it can make a unique contribution to establishing trust through redress but also to building a new and inclusive societal and institutional infrastructure, so as to at least minimize loss in the future. Transitional justice can help to better understand what policymakers call path dependency – the relationship between past, present and future. Through this more historical approach, transitional justice can help to better unlock systemic issues, such as inequality, discrimination or impunity, as well as root causes of climate change and other crises. Transitional justice can therefore be at the beginning of breaking a continuous cycle of structural violence. Of course, it needs other interventions to be able to contribute meaningfully and sustainably to change. It cannot shoulder the burden of change alone.

8. The Sustainable Development Goals framework provides an important process in this respect, where linkages between justice, development and security are made and where policies for the years to come are set. It is important to solidly anchor transitional justice in this framework, not just rhetorically but also operationally. Besides the empirical evidence that is starting to show trends and correlations regarding the contribution of transitional justice to peace and security,⁷ it bears remembering that transitional justice brings a powerful and real-life narrative through the voices of victims and survivors. These voices spread globally, from Canada, Colombia, the Gambia, Nepal, the Syrian Arab Republic and Ukraine, calling for justice after serious human rights violations and promoting measures to guarantee that affected societies will “never again” endure past violence. The traction of this movement calling for change through justice can be clearly perceived in statements and policies at the international level. However, operationally, the implementation gap is still wide. The present report is intended to make a strategic contribution in this respect.

9. Strengthening both politically and operationally the role of transitional justice in the Sustainable Development Goals framework would help to address the aftermath of crises in full compliance with the rule of law, but also to build structures that are locally and contextually meaningful and that can contribute to preventing crises. Transitional justice can do so by offering a different perspective – focusing on and giving a voice to persons who experience oppression, who are at risk or who have ideas and a stake in the future, such as young people. It can also shed light on abusive structures and the beneficiaries of these structures.

⁷ Barbara F. Walter, “Conflict relapse and the sustainability of post-conflict peace”, World Development Report 2011 Background Paper (Washington, D.C., World Bank, 2010); Kjersti Skarstad and Håvard Strand, “Do human rights violations increase the risk of civil war?”, *International Area Studies Review*, vol. 19, No. 2 (2016); United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., World Bank, 2018); Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter, “Transitional justice in balance: comparing processes, weighing efficacy” (Washington, D.C., United States Institute of Peace Press, 2010); Hunjoon Kim and Kathryn Sikkink, “Explaining the deterrence effect of human rights prosecutions for transitional countries”, *International Studies Quarterly*, vol. 54, No. 4 (2010); Guillermo Trejo, Juan Albarracín and Lucía Tiscornia, “Breaking State impunity in post-authoritarian regimes: why transitional justice processes deter criminal violence in new democracies”, *Journal of Peace Research*, vol. 55, No. 6 (2018); Tove Grete Lie, Helga Malmin Binningsbø and Scott Gates, “Post-conflict justice and sustainable peace”, World Bank Policy Research Working Paper, No. 4191 (Washington, D.C., World Bank, 2007); Leigh Payne and others, “Conflict prevention and guarantees of non-recurrence”, Background Paper for United Nations and World Bank Pathways for Peace study (Washington, D.C., World Bank, 2017); and Mariam Salehi and Timothy Williams, “Beyond peace vs. justice: assessing transitional justice’s impact on enduring peace using qualitative comparative analysis”, *Transitional Justice Review*, vol. 1, No. 4 (2016).

10. Transitional justice operates amid huge challenges and constraints, as it works in post-conflict and post-authoritarian settings. It can both play a role in responding to the symptoms of crises and also look into long-term and intergenerational matters by focusing on the roots of conflict and violence. Compared with other responses, transitional justice offers an important focus – one on victims and survivors. This is where a key role of the mandate of the Special Rapporteur lies, namely to assist in providing a framework that will lend these actors a voice and ensure their political inclusion at the national and multilateral levels, where they are normally voiceless. In the present report, the Special Rapporteur seeks to make a contribution from their perspective, to consider ideas and political strategies that can bring about concrete change for them, and consequently for society.

11. Finding answers to how best to effect change should be at the heart of transitional justice processes and efforts to achieve the Sustainable Development Goals. Viewed from a broad perspective of assisting with navigation in this field, as a baseline to start with, change should enable a renewed social contract that includes victims and survivors, and efforts should be made so that this can be sustainable. People-centred approaches to justice need to be at the front and centre of this change.

12. There is more awareness, at least in some quarters, about the risks of continuously living in a world where we do not manage to break cycles of violence. This is reflected in policies addressing prevention at the United Nations and elsewhere (see [A/75/982](#)). Responding to this challenge requires political will, the use of outcome-driven rather than output-driven assessment processes, and a willingness to confront outdated methodologies, unhelpful institutional cultures and biases, and static approaches.

13. In the present report, the Special Rapporteur will seek to make a contribution in this regard by presenting views and key questions about how best to operationalize transitional justice within the Sustainable Development Goals framework. This will be done from the perspective of victims and survivors, as the key perspective of people-centred approaches to transitional justice. This includes victims of today, but also victims of tomorrow. The Special Rapporteur will thereby also adopt a youth-centred perspective. The future is with young people, but we have a responsibility to work with them today in bringing about change.

14. Crises and shocks also provide political opportunities for change, since the shifts observed will free up space that needs to be used creatively to close the justice gap and promote the implementation of normative standards, which should not impose ideas without considering context, but rather provide a broader moral guide to the way forward. Victims need to be key players and take centre stage in this process.

IV. Contribution of transitional justice to people-centred approaches

15. There are many ways in which transitional justice can contribute to the achievement of the Sustainable Development Goals. Transitional justice and sustainable development share a core concern with addressing the root causes of conflict and human rights violations, including inequality, exclusion, discrimination and marginalization. Transitional justice enables more sustainable development by ensuring greater and more effective and diverse inclusion in society, and by promoting a minimum requirement of justice. Transitional justice and development actors have therefore a lot to gain from effective coordination, in search of complementarity and mutual reinforcement of their interventions (see [A/HRC/49/39](#)). In a recent report on the linkages between transitional justice and development, the Office of the United Nations High Commissioner for Human Rights makes these points clear and particularly emphasizes the need to look at the contribution of transitional justice to

people-centred approaches to justice, which lie at the heart of the Goals, particularly Goal 16, which connects peace, justice and inclusion, is often referred to as a transformational goal and cross-cutting “enabler” of all other Goals and holds the “process” keys to unlocking the transformative potential in the entire Goals framework (see *ibid.*). The Special Rapporteur shares this view.

16. The key message of a people-centred approach to justice is to move from an institutional focus to a perspective that values people’s lived experiences as a guide for contributing to meaningful change. Transitional justice processes are key moments in a societal experience and can assist with moving forward a people-centred methodology, especially in the area of access to justice (Goal 16), but also in the areas of gender equality (Goal 5), education (Goal 4) and global partnerships (Goal 17). The key contribution of transitional justice, if designed in a people-centred way, is that it integrates victims’ voices and experiences and contributes to putting in place a justice architecture to act upon the demands made by those voices.

17. Transitional justice seeks to put people at the heart of justice and accountability processes and to make a tangible difference for victims by closing the justice gap (see [A/HRC/34/62](#)). However, its focus should not be limited to individual criminal accountability. Rather, it should also recognize the multiple justice needs and aspirations of victims regarding reparations, truth, memory and the changing of abusive structures. The Special Rapporteur recalls the importance of adopting holistic perspectives on transitional justice as a key contribution to people-centred approaches. In the past, victims have been seen mainly in a passive way, as providers of evidence or statements in truth-seeking processes or as recipients of reparations. However, victims’ fight for justice is a fight for agency to overcome victimhood and prevent violence. The path out of violence can therefore only be designed jointly with victims, who hold the key to the path to change and thus to a people-centred approach to justice. Goal 16 will be successfully implemented and will make a difference only if related policies, advocacy and programmes heed this important lesson. Making a meaningful change for victims should be the baseline for assessing the successful application of transitional justice processes and the Goals.

18. Lessons can be learned from transitional justice contexts for people-centred justice. They have been learned the hard way, through struggles and despair. Many transitional justice experiences are context specific, and the Special Rapporteur warns against broadening their scope of application without due consideration. Comparative experiences and lessons are important, however, and they can give hope and inspiration to victims as decision makers but cannot be a blueprint for action. The Special Rapporteur warns against mimicry in transitional justice work without a contextual analysis of the real needs on the ground. Solutions to transitional justice challenges will always need to be found locally and be context specific.

19. The Special Rapporteur highlights below four areas that seem to have a particular relevance for the contribution of transitional justice to people-centred justice: (a) recognition, which places victims at the centre of legitimate and meaningful justice processes; (b) reparations, which are the most direct measures for transforming the lives of victims; (c) movements and coalitions, which are drivers for change but also constitute change in and of themselves; and (d) youth-centric processes, which can effect change and foster prevention.

A. Recognition

20. At the heart of people-centred justice lies the need to recognize individuals’ and communities’ lived experiences and act upon them in order to close the justice gap. Recognition is the central aim of the five pillars of transitional justice: truth,

accountability, comprehensive reparations, memorialization and guarantees of non-recurrence. The measures adopted in these five areas seek to achieve recognition by providing redress and putting in place efforts that guarantee non-recurrence of past human rights violations. Victims and survivors have identified transitional justice interventions as being meaningful in cases where recognition was connected to a public acknowledgement of their diverse experiences of conflict, as well as cases where it contributed to transforming harmful societal ideas, stereotypes and biases that affected them negatively, such as is often the case for women.

21. Experiences show that recognition is a key driver for change if it is connected with representation and redistribution. Victims' participation (representation) in truth, justice and reparation efforts and the opportunity for them to share their experiences in their own terms can, for example, help to recognize gendered abuse as survivors have experienced it, instead of following the definitions set forth by transitional justice operators regarding "gendered crimes". Recognizing wider conflict experiences, beyond victimization, can also help to recognize women's agency, as a step towards promoting their position as socioeconomic and political actors.⁸

22. Organization among victims and survivors can help them to demand recognition through justice measures, but also to call out structures such as hegemonic masculinities that undermine the fight against impunity or structures that sustain inequality. Organization and mobilization can also help victims to exert power as political agents to claim recognition, such as a new distribution of socioeconomic resources and the change of gendered roles in the household and wider society. Such redistribution can also be promoted through reparations and community-based programmes (e.g. through social services as part of transformative reparations, or restorative justice processes).

23. An important message that comes out of transitional justice is that victims should define by themselves what recognition means to them. A purely institutional, technical and normative approach to transitional justice risks developing blind spots or leading to narrow institutional approaches that will not make a difference for victims.

24. Recognition is also an intergenerational endeavour and needs to integrate youth-centric approaches.⁹ Young people cannot be held responsible for past violations but should be empowered to not repeat the same mistakes and to build a better future. There are also interesting models whereby possible intergenerational conflict over recognition can be overcome through cooperation. In Nepal, the Conflict-affected Women's Network builds joint teams of older and younger women and makes an explicit connection between past and present crimes against women and impunity for these crimes. The joint efforts of grandmothers, mothers and children of disappeared persons in Argentina to achieve truth, justice and memorialization has elicited many positive outcomes. Finding common goals and a joint strategy is extremely important for the success of these networks, and to prevent intergenerational divisions, which have occurred at times in these contexts. However, in many contexts the opposite is the norm. In Burundi, for example, recognition of past legacies reaffirms gender-hostile structures across generations. In recent years, the links between youth groups and veterans have been strengthened and have shaped militarized masculinities within youth groups that constitute a high risk for recurrence (see A/HRC/48/68).

⁸ UNDP and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "Women's meaningful participation in transitional justice", 2022, available at www.unwomen.org/sites/default/files/2022-03/Research-paper-Womens-meaningful-participation-in-transitional-justice-en.pdf.

⁹ Submission by Interpeace for the purpose of the present report. See all submissions received at: www.ohchr.org/en/calls-for-input/2022/call-submissions-upcoming-report-achieving-sdgs-through-people-and-victim.

25. More broadly, there are positive trends gradually moving towards a broader understanding of recognition that seeks to integrate the experiences of those who have been affected. In the field of criminal investigation, in recent years we have observed the creation of specialized non-governmental organizations (NGOs) that collect evidence of international crimes on the ground. New technologies and partnerships between local and international actors have been built. In Belarus, local human rights organizations work side by side with international NGOs collecting information and advocating accountability in various forums.¹⁰ Similar experiences can be found in Libya, Mexico, the Syrian Arab Republic and Yemen.¹¹ There are still gaps regarding information gathering and preservation (e.g. how the information will be stored, managed and transferred), since it is a costly exercise and often constitutes an afterthought for decision makers, despite the long-term needs in the fight against impunity. The Special Rapporteur supports and welcomes efforts to further systematize evidence gathering and to establish a permanent and global mechanism at the United Nations level to collect and preserve evidence, modelled on existing country-specific structures such as the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Such a mechanism should adopt holistic approaches to transitional justice in its work.

26. A major challenge regarding recognition is the lack of project continuity, as a result of short and narrowly scoped funding cycles and the limited attention span of the international community, which often moves from conflict hotspot to hotspot. The risk of this approach is that of abandoning good work on the ground that needs sustainable support.

27. In the area of truth seeking, there is a growing body of practice in truth commissions that focuses on transformative approaches, which broaden the scope of recognition, bring it closer to the lived experiences of victims and respond to their needs.¹² For example, in Peru, the Philippines and Sierra Leone, truth commissions have examined issues such as inequality and marginalization.¹³ In Colombia, Morocco and Peru, collective reparations programmes have responded to the needs of communities and regions that had been intentionally targeted or excluded.¹⁴ In Sierra Leone, institutional reform has included the decentralization of justice, security and other governance structures, creating local institutions that play an active role in reducing violence and promoting inclusion and social cohesion.¹⁵

28. There is growing evidence demonstrating a link between transitional justice and sustaining peace. However, data collection in this area is still fragmented and often selective, which impedes drawing broader conclusions on the basis of hard evidence. Since grass-roots voices and victims are often excluded in these processes, a sounding board for what works on the ground is also missing. An effective exercise would require bringing victims to the table more systematically in processes that are decisive

¹⁰ International Accountability Platform for Belarus.

¹¹ Thomas Unger, "Independent study: observatory in support of the global fight against impunity", available at <https://euagenda.eu/upload/publications/study-global-fight-against-impunity-en.pdf>.

¹² Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, "Truth commissions and their contributions to atrocity prevention", 2020, available at www.auschwitzinstitute.org/wp-content/uploads/2020/05/AIPG-TruthCommissionsReport.pdf.

¹³ International Center for Transitional Justice, "On solid ground: building sustainable peace and development after massive human rights violations", 2019, available at www.ictj.org/sites/default/files/ICTJ_Report_WG-TJ-SDG16%2B_2019_Web.pdf.

¹⁴ Ibid.

¹⁵ Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, "Truth commissions and their contributions to atrocity prevention", 2020, available at www.auschwitzinstitute.org/wp-content/uploads/2020/05/AIPG-TruthCommissionsReport.pdf.

for the future of transitional justice (such as during peace negotiations, constitution-making processes and the design and implementation of transitional justice policy decisions and mechanisms at the local, regional and international levels).

29. Transitional justice processes that do not fully comply with the obligations derived from the five pillars (truth, accountability, comprehensive reparations, memorialization and guarantees of non-recurrence) perpetuate inequalities, do not contribute to peacebuilding and revictimize victims. Victims' participation in peace processes should not force them to choose access to some rights to the detriment of others.

30. Recent transitional justice policies adopted by the European Union and the African Union seek to address the shortcoming in the area of recognition by calling for more context-specific analysis. Likewise, assessments conducted at the United Nations call for better context-specific analysis that is centred on people and based at the grass roots.¹⁶ From a people-centred perspective, the inclusion of processes that sound out good and bad practices from the viewpoint of victims needs to be strengthened at the different levels. This is currently missing and has led to distortions, especially at the international level, where certain alleged good practices presented as success stories to secure funding – including by United Nations agencies – have been criticized by grass-roots organizations for hampering accountability on the ground. The Special Rapporteur calls for integrating grass-roots voices more systematically into national and international transitional justice decision-making processes, as an expression of people-centred justice. This integration will ultimately contribute to democratizing the field and moving it away from its overly technocratic and narrow, top-down current outlook. Rethinking transitional justice support from a process perspective, rather than a purely project perspective, will be of utmost importance in implementing people-centred approaches that contribute to recognition.

31. This highlights the essential role of victim participation in justice processes as a driver for transformation. In most situations, however, participation is still understood as nominal or institutional, including scaling up the number of victims to participate in court processes or to be interviewed by a truth commission. The Special Rapporteur calls for a shift towards participation being perceived as transformative and representational. Victims and survivors should be included from the design phase and throughout the transitional justice cycle, including follow-up after its conclusion. There are some positive examples in practice, but more are needed. For example, the Global Survivors Fund adopts a bottom-up approach. The organization's position is that mere consultations with victims and affected communities are not enough and that they should be involved as key stakeholders and rights holders (as opposed to passive beneficiaries), shifting the discourse from consultation to co-creation and to designing solutions and projects not for survivors but with them.

32. True recognition that is centred on people and aims to overcome root causes also requires a politically sensitive perspective. With the re-emerging polarization of the international system, recognition is caught in a legitimacy crisis whereby people are asked to take sides or – in the worst-case scenario – to be selective. An “us versus them” logic or “good versus evil” discourse undermines the transformative potential of recognition by using it as a political tool for obtaining the power to choose certain claims over others. Overcoming this logic requires accepting as a starting point that there are moral conflicts when it comes to questions of justice in transitional settings. The field of transitional justice is constantly confronted with these dilemmas;¹⁷ the

¹⁶ Peacebuilding Fund, “Thematic review: PBF-supported projects on transitional justice”, 2020, available at www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/thematic_review.pdf.

¹⁷ Frank Haldemann, “Another kind of justice: transitional justice as recognition”, *Cornell International Law Review*, 2008.

question is what to do about them. Simply cancelling the moral claim of the other party will lead to further conflict, not resolution. Transitional justice, as a discipline that stands at the inception of transformation processes, has the responsibility to call out wrong but to do so in a pluralistic and inclusive manner that recognizes plural legacies of marginalization, discrimination and colonization. This is where meaningful participation of victims that prioritizes their voices becomes an important benchmark.

B. Transformative reparations

33. While all transitional justice mechanisms can play a role in transformation, the Special Rapporteur highlights reparations as having the biggest potential to bring about change and make a meaningful difference in victims' lives. The provision of effective and full reparation is a duty of the State and should be a central goal in people-centred approaches to justice.

34. The Special Rapporteur recognizes the challenging nature of implementing comprehensive reparation programmes. Complexity and a lack of resources should not, however, be excuses for not pursuing reparations in their various forms (see [A/69/518](#)). Reparations should rather be tackled upfront in any transitional justice context through a pragmatic and problem-solving approach. Context specificity is important in this respect. Grass-roots needs, experiences and expectations should be central to any reparation effort. Arguments opposing this approach often contend that victims lack the technical expertise and resources to take part in complex discussions. These biases need to be overcome, as they stem from bureaucratic or technocratic structures that are resistant to change and fear losing power.

35. Despite the importance of reparations, their potential for transformation is not used to the fullest in practice. To sharpen the argument for transformative reparations, the Special Rapporteur recalls the legal duties, normative framework and applicable standards on reparations;¹⁸ encourages organizations working in this field to work jointly with grass-roots voices in advocating transformative reparations; and presents below a list of areas that, if supported, could unleash the transformative potential of reparations and make an essential contribution to the fulfilment of the Sustainable Development Goals:

(a) **Comprehensive reparations.** Survivors repeatedly stress the need for comprehensive reparations. Beyond financial compensation, reparations should comprise rehabilitation (including medical and psychosocial care, and legal and social assistance such as access to housing, livelihood support, skills training, health care and education services), measures of satisfaction (apologies, restoration of victims' honour, memorialization, etc.), restitution (restoration of victims' place of residence, family life, enjoyment of human rights, employment, etc.), and guarantees of non-recurrence (reforming laws, institutions and practices that allow or perpetuate human rights violations). Unfortunately, in many contexts reparations are mostly limited to compensation, which has limited reparatory potential if not accompanied by other forms of reparation that recognize and respond to the harm done and help victims to lead a dignified life. Moreover, the amount of compensation offered to victims is often scarce. Reparations should furthermore be implemented in combination with other transitional justice mechanisms;

(b) **Comprehensive reparations that include recognition.** Recognition that takes place, for example, through statements, monuments and memorialization, can help to overcome the stigmatization of victims and restore their reputation. Likewise, psychosocial support is essential to address the high level of traumatization experienced

¹⁸ General Assembly resolution [60/147](#); [A/69/518](#); and [A/HRC/42/45](#).

by many survivors and victims. However, this form of reparation is often underdeveloped. Psychosocial care should be provided by local mental health workers, who are familiar with the practices, language, history and cultural understandings of conflict and trauma. Measures that help to overcome taboos and that treat mental health as being equally as important as physical health require more international support;

(c) **Reparations that aim to be transformative should address the marginalization of survivors.** Conflict survivors often belong to marginalized sectors in society. Human rights violations often exacerbate already existing marginalization. Impunity for these crimes heightens victims' vulnerability and exposure to other stress factors, such as poverty, conflict over resources and migration. Reparations provide an opportunity to respond to this situation by diminishing the adverse effects of marginalization, reversing the root causes of exclusion and integrating victims as members of society with equal rights and opportunities;

(d) **Addressing gender-based inequalities and discrimination.** Women, especially those from minority groups, face specific challenges because of patriarchal social norms and exposure to multiple forms of discrimination. Full reparation for victims of sexual violence is essential and must include male victims, lesbian, gay, bisexual, transgender, queer and intersex persons, and children born as a result of sexual violence. Psychosocial accompaniment and measures to sensitize members of society are needed to overcome trauma, social stigmatization and taboos, which prevent addressing the sexualized nature of the violations suffered and redressing the harm. Yet, sexual violence is not the only gendered impact of conflict. Victims who are single women, members of minority groups or lesbian, gay, bisexual, transgender, queer or intersex persons may face greater socioeconomic hardships and difficulties when reintegrating into society, owing to discriminatory laws and practices at the State, community and family levels, social stigma and unequal access to political institutions, the labour market, economic opportunities and social services. At the same time, women's struggle to survive and achieve truth, justice and reparation should be publicly recognized, as a step towards increasing their empowerment in post-conflict contexts. Lesbian, gay, bisexual, transgender, queer and intersex persons are another often-targeted group in conflicts, whose demands are frequently silenced and must be amplified and empowered;

(e) **Comprehensive and inclusive documentation.** That victimization of marginalized groups is often left out in documentation efforts – including by international actors – undermines victims' chance to be recognized in reparation and other transitional justice processes. Conflict-related sexual violence only recently became the focus of documentation. Civil society is currently carrying the burden of most of the documentation work. There is a lack of official strategies that consider the specific suffering, needs and concerns of marginalized communities and how to preserve this information in existing archives and records. Since post-conflict documentation efforts often adopt a linear perspective, they tend to focus only on victims belonging to one of the main parties to the conflict. Stories of victimization by minorities or other marginalized groups are often invisible. In addition, fear and mistrust within marginalized communities that have historically been victims of exclusion and discrimination can negatively affect their participation in documentation efforts. Also, mainstream documentation efforts often focus on civil and political rights violations or on establishing individual responsibility, which disregards information about the structural violence (of a socioeconomic nature) faced by marginalized communities. Documentation is also usually a political exercise based on narratives that perpetuate the views of elites or majority populations. As a consequence of this documentation gap, many marginalized groups are not receiving reparations – neither individually nor collectively – which keeps trauma and discrimination unaddressed and undermines redress and prevention;

(f) Reparations need to be connected with development, but not replaced.

Combining development and social services with reparations is the premise of transformative reparations. Nevertheless, the Special Rapporteur, in numerous reports, and victims' organizations themselves, have warned against Governments' portraying broader development measures as alleged reparations (see [A/HRC/42/45](#) and [A/69/518](#)). Although collective reparations can include development-oriented services, the former cannot be substituted by the latter and should be combined with other forms of reparation, including compensation, restitution and satisfaction. Survivors should be effectively involved in deciding on the balance among measures. There is a need for long-term monitoring of these processes using recognition as a benchmark for evaluation;

(g) Informal, community-based reparations need to be further supported.

In the absence of State action, victims and their communities have also promoted informal, community-based reparations, including local historical memory processes, documentation of violations, construction of monuments, and mutual support and healing processes.¹⁹ Peer networks can give victims and survivors an opportunity to share experiences, provide moral recognition of their experiences, place violations on the public agenda and generate societal solidarity. National and international actors should support such efforts. At the same time, these initiatives should not distract from the fact that reparation and recognition should be provided by the State. Rather than a substitute, community-led reparations should be a catalyst for more comprehensive State-led reparations.

C. Movements for change

36. Sustaining people-centred justice requires strong movements and coalitions by stakeholders. The measures adopted in the fields of truth, justice, reparations, memorialization and guarantees of non-recurrence have been the result of lobbying by civil society, especially victims' groups. In addition, the establishment of transitional justice mechanisms in themselves have triggered the creation and led to the aggregation of civil society organizations. When it comes to building movements and coalitions, transitional justice processes are a great resource and inspiration for other fields. The Special Rapporteur encourages more comparative studies and research on the importance of social movements in the area of transitional justice.

37. The key contribution of these movements to people-centred approaches to justice is its focus on victims. The Khulumani Support Group in South Africa, the Conflict-affected Women's Network in Nepal, the Congolese Coalition for Transitional Justice in the Democratic Republic of the Congo, the Syrian victims' organizations that drafted the Truth and Justice Charter, and the Guatemalan National Platform of Victims are examples of victims' organizations that have joined forces and put the needs and aspirations of victims first. Most of these networks collect victims' demands at the grass-roots level and transmit them to the central and international levels, and vice versa. These networks, such as the newly created International Network of Victims and Survivors of Serious Human Rights Abuses, facilitate collective lobbying for justice and accountability processes, enabling a stronger and more unified voice vis-à-vis decision makers. The African Union Transitional Justice Policy Framework is a direct outcome of strong lobbying by African civil society groups. Strong coalition-based women's mobilization and activism has often been a strong precursor to women's meaningful participation in transitional justice.²⁰

¹⁹ Submission by Impunity Watch.

²⁰ UNDP and UN-Women, "Women's meaningful participation in transitional justice".

38. Despite the importance of their work, victims' groups complain that their efforts are undermined by the fact that States rarely implement effective strategies for victims' participation in transitional justice processes or fail to act on their demands. In Guatemala, for example, survivors' needs were considered in the reparation policy as a result of strong lobbying efforts, yet this comprehensive policy is not being implemented, owing to a lack of political will. In South Africa, the Khulumani Support Group has participated in workshops with the Department of Justice to develop reparation proposals, but these are not considered by high-level decision makers. In Tunisia, a large-scale consultation process led to the design of a system to allocate compensation amounts on the basis of the specific harms suffered, but reparations are not yet being implemented, allegedly owing to the economic crisis. In Nepal, consultation with victims led to a comprehensive truth and reconciliation commission bill, which was, however, changed when formally adopted. In Colombia, victims are actively involved in developing collective reparation plans, which can, for example, include public and infrastructural services or commemorative activities. Unfortunately, the implementation of those plans tends to be slow or absent, causing disappointment and frustration.²¹

39. Poverty prevents many victims from participating in victims' organizations, since they are often preoccupied with the everyday struggle for survival. This is why several victims' organizations have expanded beyond transitional justice-related initiatives. The Khulumani Support Group, for example, supports local communities and organizations in finding financial support for livelihood projects, which help survivors to meet their basic needs while they wait for reparations. An Afro-Colombian community council supports victims' claims related to past and present-day violence. A victims' organization in Guatemala has its own team of community facilitators to provide psychosocial support and conflict resolution in communities, also addressing present-day problems such as poverty and migration.²² In the face of a lack of State support, victims' organizations take on broader roles for survivors and their communities.

40. Further challenges faced by social movements include keeping victims and survivors motivated to push forward their demands over a long period, while many of them are ageing or dying. Victims' groups have pointed out that certain Governments strategically delay establishing victim-centred transitional justice mechanisms so as to tire victims or wait them out.

41. Finding common goals and a joint strategy is extremely important for the success of these networks and for preventing divisions. The international community needs to support victims in this important endeavour.

D. Prevention: focus on young people

42. Prevention is at the heart of the Sustainable Development Goals agenda, but also of the United Nations as a whole, as expressed in the report of the Secretary-General entitled "Our Common Agenda" (A/75/982). The Special Rapporteur has developed frameworks in the field of guarantees of non-recurrence that highlight the need for a combination of interventions at the institutional, societal and individual levels in order to support prevention (see A/72/523). Without integrating and acting upon the experiences of oppression, any institutional response alone will not make a difference. In the present report, the Special Rapporteur highlights the importance of a people-centred approach to prevention and recalls the significant role of transitional justice in this field. Prevention strategies must look beyond the institutional level to include

²¹ Submission by Impunity Watch.

²² Ibid.

experiences at the societal and individual levels. Building actions and programmes on the basis of lived experiences will make a prevention agenda more legitimate and also more effective. The Special Rapporteur recommends further studies on how transitional justice can help promote people-centred justice that works towards prevention, especially on the key role that memorialization policies can play in prevention efforts.

43. In the present report, he will focus on gap areas that require further action, particularly the better integration of youth-centric approaches into transitional justice processes and people-centred justice.²³ In the past, young people have been predominantly treated as passive recipients of assistance or as victims, while their role as agents of change and key prevention actors has been mostly sidelined.

44. The Special Rapporteur will focus on the individual and societal levels, since it is there where experiences, both positive and negative, are lived by young people. Psychosocial responses, such as mental health and psychosocial support, have been identified as enablers of agency in this respect, which is essential for successful transitional justice processes aimed at improving victims' lives and preventing future conflict.

45. At the most basic level, mental health and psychosocial support services are required to address the psychological needs of young people after conflict. A key goal in this regard is to overcome trauma by supporting a more positive experience of agency. Interventions should not stop there, however. A psychosocial approach also looks at the structural elements of political violence that are embedded in the fabric of society. There need to be more ambitious objectives for psychosocial support that go beyond individual trauma work and include assessments and action on structural causes. Civil society should not be treated, especially by donors, as a mental health and psychosocial support "service provider" only, as this would undermine its activism and change-making potential.

46. Efforts to address the psychosocial challenges of young people in societies that experience conflict have repeatedly demonstrated their contribution to positively dealing with the past.²⁴ In Guatemala, there are good examples of civil society projects that enable young people to preserve historical memories of a conflict and simultaneously build peace and a new future. Such initiatives play a vital role in preventing youth violence and migration. In other contexts, civil society's mental health and psychosocial support projects seek to challenge political behaviours that manipulate young people by misrepresenting the past. These projects are intended to build resilience among young people so they can resist political manipulation and thus contribute to transformation. Resilience of this sort can prevent violence over the long term, increase social interaction and cohesion, and improve livelihood outcomes.²⁵

47. Transformative mental health and psychosocial support models also increase the participation of young people on their terms. In many contexts, young people are leading NGOs and social movements; they protest, raise awareness, build coalitions to advance human rights concerns and social justice, and contribute to peace through direct action. Sustainable funding for youth-based and youth led peacebuilding work in transitional justice settings is, however, insufficient. Many of the projects lack resources. The Special Rapporteur encourages donors to increase funding and resources in this area.

48. Psychosocially informed transformative action is not without risks. Repressive States and societies are likely to respond violently, even to peaceful forms of action. In many cases, State repression is also bureaucratic and regulatory, with restrictions

²³ Submission by Interpeace.

²⁴ Brandon Hamber and others, "Youth, peace and security: psychosocial support and societal transformation", 2021.

²⁵ Ibid.

designed to obstruct youth actions. Politically engaged young people also face specific risks, because they are frequently presented as a threat that requires a security response (see [A/72/761-S/2018/86](#)). This can endanger young people physically and psychologically and may also exacerbate cycles of violence and counter violence. Decisions to engage in direct forms of action therefore require careful consideration of these risks, but also concerted action by the international community to mitigate them.

49. To be an effective prevention tool, mental health and psychosocial support programmes also need to be long-term. Short-term gains can be lost quickly, especially in societies in which histories of conflict transcend generations. Often, international funding and support ceases too soon. The effect of short-term support has been to put peace at risk, and even to harm the psychosocial well-being of individuals and the social stability of communities. There is a standing risk that the harms of the past will continue to be transferred to the next generation, perpetuating impunity. Young leaders may be co-opted or claimed by older leaders. Nevertheless, as psychosocial initiatives show, young people can be protagonists of change in many non-violent ways and avoid being manipulated by those in power. The Special Rapporteur therefore recommends that youth engagement be placed in a multigenerational time frame.

V. Operationalizing the role of transitional justice in people-centred approaches to justice: a framework for commitments that can make a difference

50. In the present section, the Special Rapporteur seeks to contribute to better operationalizing the lessons learned from transitional justice to achieve people-centred justice. He suggests an operational framework that could guide States in making commitments to take concrete action relating to familiar activities of advocacy and programmatic work. All actions should have at their core the aim of making a difference for victims and reducing the current disconnect between their experiences and policymaking.

51. The Special Rapporteur hopes that the idea of an operational framework for transitional justice as a driver for people-centred approaches could inform the Sustainable Development Goals discussions and add an operational dimension that goes beyond recalling certain success stories or overly broad policy commitments. Goals-related commitments that refer to the linkage with transitional justice should include concrete operational activities that are aimed at effecting change. The Special Rapporteur recommends organizing a specific thematic debate in the Human Rights Council to boost attention and commitment regarding the contribution of transitional justice to people-centred justice and its linkages with the Goals process. The framework below could serve as an inspiration for commitments that States could make as part of the Goals process.

A. Commitments at the advocacy level

52. As demonstrated in the present report, there is a need to increase advocacy on the linkages between transitional justice and people-centred approaches to justice. There are positive steps by cross-regional coalitions of States, such as the Justice Action Coalition, that actively promote people-centred justice within the framework of the Sustainable Development Goals.²⁶ There are also important processes at the

²⁶ Justice Action Coalition, “Justice 2023: pivoting to people-centred justice”, 2022, available at https://6c192f99-3663-4169-a572-e50276ce5d6d.usrfiles.com/ugd/6c192f_4dd74865956d4aa0863240c54f333baf.pdf.

regional level, including the ongoing implementation processes of regional transitional justice policies by the European Union and the African Union. More effort is needed to make the link more explicit in advocacy work.

53. In their advocacy, States should follow key lessons that have come out of the transitional justice experience and that are relevant for people-centred approaches to justice. These include:

- (a) Including victims and survivors directly in the design and implementation of and follow-up on transitional justice mechanisms. Co-creation with victims should be carried out at both the programme and policy levels;
- (b) Calling more consistently for transformative models of transitional justice, such as reparations, in post-conflict settings;
- (c) Calling for youth-centric approaches in transitional justice programming that includes a strong mental health and psychosocial support component;
- (d) Politically supporting the mobilization of groups and coalitions that work on fighting impunity, particularly at the grass-roots level.

54. There is a need to ensure, as much as possible, policy coherence and a global perspective in advocacy. Selectivity in approaches and contexts needs to be avoided, since it undermines the legitimacy and credibility of justice and further makes it part of geopolitical power dynamics. More actively integrating victims' and survivors' voices from various contexts in decisions concerning advocacy and communication would provide guidance and avoid the claim of selectivity.

55. States need to commit themselves to making available flexible resources to support civil society work and to condemning and preventing any form of the shrinking of civic space. International organizations with a presence on the ground need to engage more proactively in policy discussion and not focus only on project-led work. The Special Rapporteur acknowledges that a balance needs to be struck between policy-based and project-based work, but the current situation appears to tilt towards lenient interventions that fail to sufficiently sound alarm bells about worrying developments or trends, especially when it comes to issues concerning justice. The continued use of passive approaches will undermine prevention.

56. Finally, advocacy must not be a one-way street, but rather reciprocal. Donor countries need to be open to advocating the design and implementation of transitional justice and development policies. Civil society needs to commit itself to further coordinating its advocacy work with donor efforts and avoid entering into a competition. Together they can make a larger impact and also change the way in which support is provided.

B. Commitments at the programme level

57. There is a growing consensus, at least at the policy level, around the need to engage in people-centred approaches to justice. This is to be welcomed. In many cases, however, the issue is that these policies are not reflected in specific programme work, and old patterns of work are repeated. Key entry points at the programme level from a transitional justice perspective are information gathering, knowledge design and processing, and capacity-building support. Commitments by States in the framework of the Sustainable Development Goals could make references to these three categories.

Information gathering

58. An important precondition for bringing to life people-centred approaches to justice is to think operationally about what information will be needed, what

methodologies should be used and who could contribute to gathering this information. In many transitional justice contexts today, there is enough information available that could be relevant for a people-centred approach to justice, but the challenge lies in channelling this information, analysing and processing it, and advocating concrete action in bringing about change (e.g. starting a criminal investigation, supporting the creation of reparation programmes, setting up a body that coordinates the search for missing persons and issuing sanctions to achieve reform).

59. The key issue today is what architecture to put in place so that the right information can be gathered and then used in order to make a difference. Commitments by States should focus on building an architecture in transitional justice processes that is truly centred on people, with built-in safeguards against partisan or institutional interests. The test will be what can have the biggest and lasting impact for victims and survivors. Narrow approaches to gathering information will not have that impact.

60. Commitments by States should therefore take a more holistic perspective and refer specifically to how to support measures that give visibility to certain underrepresented issues, such as reparations, marginalization, inequalities and discrimination. In order to adopt commitments that are intended to make a difference, it is important to take into account how information gathering can be gendered and how it can address the intersecting dimensions of victimization.

61. There is an urgent need to gather reliable information that can be directly used in political processes. A commitment to solid, adequately available and accessible information could help to make political decision-making processes more targeted and legitimate.

62. States should also commit themselves to strengthening information gathering that can be used to prevent a human rights situation from recurring or escalating. There is a need to better channel and organize information to prevent violations. States should therefore make stronger commitments to link information gathering in transitional justice processes to monitoring and analytical assessments of the broader political, economic and social context. For this, interdisciplinary skills are needed, as well as knowledge of data collection, tools to analyse comparative experiences (what has worked and what has not) and tools to evaluate how the political or economic situation in a given context might affect the ability of transitional justice measures to make a difference for victims.

Knowledge management

63. True people-centred approaches to justice need to break discipline silos, which have become harmful in an interconnected world. Strong commitment is needed to support the investment in more permanent knowledge platforms where information is systematically made available online and offline, comparative experiences are shared and dilemmas on how to effectively ensure accountability are openly addressed.

64. Such a platform also needs to fulfil an important function in amplifying the voices of victims. This could be done by raising individual views and demands of victims, as well as by assessing together with victims what has worked on the ground, what has brought about change and what follow-up structures are needed. States should make clear commitments in this respect.

65. Equally, commitments to work with organizations that have strong grass-roots networks are essential for knowledge management that is intended to be centred on people. States should commit themselves to facilitating flexible funding schemes and subcontracting where necessary to support networks of victims.

66. States, as well as international organizations, development actors and actors working on justice issues, need to institutionalize knowledge feedback loops in

advocacy and programme work if they are serious about making a long-term difference and changing outdated structures.

67. Strong commitments are needed to improve the monitoring of transitional justice processes, especially in relation to their effective impact on the lives of victims and survivors. The assessment should rest with victims themselves. Monitoring and evaluation models therefore require different approaches – not just a quantitative approach, but also measuring victims' satisfaction with transitional justice measures and the extent to which these mechanisms were able to generate changes in their lives and well-being. An example of such an approach is the Everyday Peace Indicators project, where indicators were developed in a participatory approach together with victims.

68. States and donors need to commit themselves to monitoring and evaluation models that measure long-term impact on the basis of processes rather than short-term, project-oriented outputs. Donors also need to provide flexible funding beyond project cycles. Commitments in this regard would make a significant difference on the ground. In addition, monitoring and evaluation exercises should be looked at from the perspective of learning lessons and not only from the perspective of short-term success stories. Commitments by States concerning the Sustainable Development Goals process should give a strong signal in this direction.

Capacity-building

69. People-centred approaches are novel and complex. Therefore, their design and implementation require capacity-building. There are tangible needs in this regard, especially in civil society, but also among international organizations, policymakers and State institutions.

70. Commitments to supporting civil society capacity-building should be for the long term and flexible, responding to needs in specific contexts. Nevertheless, a focus of capacity-building efforts aimed at local civil society groups could be on how decision-making takes place and where entry points could be found for advocacy, documentation, monitoring and information sharing, as well as on fundraising.

71. Commitments should also build on existing work. Some NGOs, academic institutions and other actors are already providing capacity-building and technical support on how to investigate, monitor and search open-source data, on forensic investigations and on the links between prevention and transitional justice. Other thematic issues can be useful and tapped into through partnerships and avenues for cooperation.

72. Furthermore, commitments should support partnerships with networks in the global South to identify those groups that are in need of capacity-building and ensure that these efforts have a good reach. A geographically balanced approach is also important. Language capacity may present challenges, but those could be easily overcome with modern technology.

73. States, as well as international and regional organizations, should also commit themselves to providing capacity-building within their own structures on transitional justice and its contributions to people-centred justice. There is work already being carried out in this regard, which could be built upon. Both the African Union and the European Union have developed policy frameworks for transitional justice issues; their implementation processes could be used to integrate training and capacity-building on transitional justice and its linkages with other interventions.

74. More capacity-building would help to avoid misinterpretation and improve informed decision-making on the ground. Integrating the voices of victims and ensuring their participation in capacity-building efforts would help to connect training to real-life experience. Establishing connections within the framework of people-centred approaches to justice should be another key commitment in capacity-building work.

VI. Conclusions and recommendations

75. In the present report, the Special Rapporteur argues that transitional justice can play an important role in breaking cycles of violence. Transitional justice comes with a clear message of responsibility for crimes of the past and for choosing ways that change the future for the better. Transitional justice can unlock systemic issues, such as inequality, discrimination or impunity, as well as root causes of conflicts and crises. It can therefore be at the beginning of breaking a continuous cycle of structural violence.

76. Transitional justice alone cannot bring about change; other interventions in the areas of development and peacebuilding are needed to complement and continue the work on the ground. The Sustainable Development Goals framework provides an important process in this respect, where linkages between justice, development and security are made and where policies for the years to come are set. In order to solidly anchor transitional justice in this framework, not just rhetorically but also operationally, it is important to aim to break the cycles of violence.

77. Crises and shocks also provide political opportunities for change, since the shifts observed today will also free up space that needs to be used creatively. Viewed from a broad perspective of assisting with navigation in this field, change should enable a renewed social contract that includes victims and survivors, and efforts should be made for it to be sustainable. People-centred approaches to justice should be placed at the front and centre of this change. It has been shown in the present report that, through its focus on victims and survivors, transitional justice can teach us important lessons for a people-centred approach to justice, such as the fundamental need for recognition and reparations for transformation, the need to support grass-roots mobilization to sustain change, and the need to reinvigorate efforts to integrate youth-centric approaches in order to contribute to prevention.

78. Regarding recognition, the Special Rapporteur proposes the adoption of a politically sensitive approach that seeks to tackle selectivity in global justice efforts and has an intergenerational outlook that is centred on young people. Victims should always define what recognition means for them. A purely institutional, technical and normative approach can lead to blind spots or to narrow institutional approaches that will not make a difference for victims. To ensure that grass-roots and victims' voices are duly recognized, the Special Rapporteur encourages States to develop sounding boards for what works on the ground from the perspective of victims and survivors. States and donors must ensure that victims and survivors are more systematically consulted and that they participate in processes that are decisive for the future of transitional justice in their country, such as during peace negotiations, constitution-making processes and the design and implementation of transitional justice policy decisions and mechanisms at the local, regional and international levels. The voices of victims must never be used as a pretext by States for failing to meet their legal obligations regarding the five pillars of transitional justice – truth, accountability, comprehensive reparations, memorialization and guarantees of non-recurrence.

79. Reparations are highlighted by the Special Rapporteur as the measure with the biggest potential for bringing about change and making a meaningful difference in the lives of victims and survivors. Supporting and promoting reparations should be a central goal in people-centred approaches to justice, which is currently not the case. In particular, the Special Rapporteur recommends the adoption of comprehensive reparations that go beyond financial support and include rehabilitation, measures of satisfaction, restitution and guarantees of non-recurrence. Reparations that are intended to be transformative should

address the intersecting forms of discrimination and marginalization suffered by victims, including women, lesbian, gay, bisexual, transgender, queer and intersex persons, and members of minority groups. The current documentation gap leads to many marginalized groups not receiving reparations. States must act urgently to close this gap as a contribution to redress and prevention. Reparations also need to be connected with development but not replaced by it. States and donors must strongly support community-based and informal reparation processes.

80. Sustaining people-centred justice requires strong movements and coalitions of stakeholders. From a transitional justice perspective, the victim-centredness of many of the movements and coalitions has made a concrete difference on the ground. The Special Rapporteur encourages State and civil society actors to develop more comparative studies and research on the importance of movements in the area of transitional justice. These should highlight the wealth of experiences and the number of challenges that are faced by social movements that work on transitional justice-related issues. A common obstacle preventing the effectiveness of victim-led and survivor-led initiatives is the lack of resources. The Special Rapporteur urges States and donors to provide more political and financial support for these initiatives, especially with a long-term perspective. Women's movements have been showing success in effecting change, but they also need sustained support from States and donors.

81. The Special Rapporteur has identified a gap in integrating youth-centric approaches to transitional justice. The role of transitional justice in promoting people-centred justice could be improved if young people were better recognized within its processes. Their role as agents of change and key prevention actors has to be further promoted. The Special Rapporteur urges States and donors to increase attention to and support for youth-centric initiatives focused on the societal and individual levels, since it is there where experiences, both positive and negative, are lived by young people. Psychosocial responses (mental health and psychosocial support) have been identified as enablers of agency, which is essential for the successful implementation of transitional justice processes aimed at improving the lives of victims and preventing future conflict. The Special Rapporteur recommends the establishment of more ambitious objectives for psychosocial support that go beyond individual trauma work and include assessments and action on the structural causes of violence and exclusion.

82. Concerning the way forward, the Special Rapporteur proposes an operational framework to guide States in making commitments in the context of the Sustainable Development Goals process regarding concrete activities that promote a people-centred approach to transitional justice. These activities include actions related to advocacy and programmatic work. The Special Rapporteur recommends that States and donors closely follow this guidance in their engagement in the Goals and transitional justice process and recalls that all such actions need to have at their core the aim of making a difference for victims and survivors.

83. The Sustainable Development Goals will not be effectively achieved if victims and survivors of past gross violations of human rights and humanitarian law do not have their full rights to truth, justice, reparation, memory and guarantees of non-recurrence fulfilled. No victim should be left behind in the implementation of the 2030 Agenda for Sustainable Development.

84. The Special Rapporteur recommends organizing a specific thematic debate in the Human Rights Council to boost attention and commitment regarding the contribution of transitional justice to people-centred justice and its linkages with the Sustainable Development Goals process.