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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

The present report is submitted pursuant to resolution 42/17 of the Human Rights Council. It explores the interconnections between transitional justice, sustaining peace, and sustainable development, highlighting their shared goals and objectives. It suggests that the main contribution of transitional justice to sustaining peace and to sustainable development lies in its potential to foster trust, empower people, enhance inclusion, increase gender equality, and address root causes of serious human rights violations, all of which have a preventive effect.

The report identifies five ways to maximize the positive impact of transitional justice on sustaining peace and on sustainable development, namely: (a) consistently adopting a “past-sensitive lens” in peace and development work; (b) undertaking joint and integrated analyses, with a systematic focus on preconditions for a conducive environment for transitional justice; (c) enhancing data collection to measure impact and progress, including by using the Sustainable Development Goals framework; (d) adopting a people-centred approach to transitional justice that seeks to make a tangible difference in people’s lives; and (e) ensuring that participatory approaches and public consultation are construed as ongoing processes.



I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution 42/17 of 26 September 2019. In that resolution, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) “to examine in a report how addressing a legacy of gross violations and abuses of human rights and serious violations of international humanitarian law through transitional justice measures can contribute to sustaining peace and the realization of Sustainable Development Goal 16.”¹ In the resolution, the Council requested OHCHR to consult with States, relevant special procedure mandate holders, other relevant United Nations entities, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners.²

2. In preparing the report, OHCHR issued a call for submissions, addressed to States and other stakeholders,³ and carried out in-depth interviews with representatives of United Nations entities and of civil society organizations and with experts and practitioners. Additionally, on 27 and 28 October 2021, OHCHR held an online expert consultation with over 60 participants. They included transitional justice practitioners and other representatives of relevant United Nations entities, agencies, funds and programmes in diverse field locations, as well as civil society and victims’ organizations and academics. OHCHR is grateful to all those who contributed to the process. The report also relies on publicly available material.

II. Connecting transitional justice, sustaining peace, and sustainable development

3. For the United Nations, transitional justice refers to the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law.⁴ It is grounded in human rights and the international legal obligation to provide victims of human rights violations with justice and an effective remedy. A comprehensive approach to transitional justice consists of measures in four interrelated and mutually reinforcing components: truth, justice, reparation, and guarantees of non-recurrence.⁵ Core principles of the United Nations approach to transitional justice are context-specific, victim-centred, inclusive and participatory, and gender-sensitive.⁶

4. The goals of transitional justice have been articulated in various United Nations documents, broadly relating them also to the rule of law, peace, and development. For example, it is stated in the 2010 guidance note of the Secretary-General on the United Nations approach to transitional justice that transitional justice “can contribute to achieving the broader objectives of prevention of further conflict, peacebuilding and reconciliation”.⁷ In 2012, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence found that transitional justice assisted in the pursuit of two final goals (reconciliation and strengthened rule of law) through two mediate goals (providing recognition to victims and fostering interpersonal and institutional trust).⁸

¹ Human Rights Council resolution 42/17, para. 9.

² *Ibid.*, para. 10.

³ Contributions were received from States, national human rights institutions, United Nations bodies and specialized agencies, and non-governmental organizations, among others. See <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>.

⁴ General Assembly resolution 67/1, para. 21; and [S/2004/616](#), para. 8.

⁵ See [A/HRC/21/46](#).

⁶ See https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.

⁷ Available at https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.

⁸ [A/HRC/21/46](#), para. 64.

A. Transitional justice and sustaining peace

5. According to the “twin resolutions” on the review of the United Nations peacebuilding architecture adopted by the General Assembly and the Security Council in 2016,⁹ sustaining peace should be broadly understood as “a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development”.¹⁰ The twin resolutions advance a comprehensive approach to sustaining peace, encompassing interventions along the peacebuilding-humanitarian-development continuum, and strongly emphasizing prevention and the resolution of root causes of conflict and abuse.¹¹ The resolutions also underline the importance of a people-centred approach and inclusivity in making progress towards sustaining peace, in particular the role of civil society, women and youth.¹²

6. Importantly, in their description of a comprehensive approach to sustaining peace, the twin resolutions list access to justice, transitional justice, accountability and the protection of human rights as contributors to the prevention of conflict and to addressing its root causes, strengthening the rule of law, and securing sustainable development, as well as to national reconciliation. The resolution also stressed that a comprehensive approach to transitional justice was critical to the consolidation of peace and stability.¹³

7. The contribution of transitional justice to sustaining peace was further explored in the Security Council’s first-ever thematic open debate on transitional justice, held in February 2020 with the title “Transitional justice as a building block towards sustaining peace”.¹⁴ At the debate, the United Nations High Commissioner for Human Rights located the contribution of transitional justice to lasting peace in its capacity to “connect, empower and transform societies”.¹⁵ She suggested that transitional justice – with its interrelated pillars of truth, justice, reparation and guarantees of non-recurrence – provided a particularly useful lens and the operational tools to assist in charting a path towards sustainable peace in many complex situations. She also noted that a failure to address victims’ rightful demands for justice would not resolve conflict but fuel recurrence.¹⁶ Numerous States similarly linked transitional justice to sustaining peace and the prevention of conflict, often through the concept of guarantees of non-recurrence and transitional justice’s focus on identifying and addressing the root causes of conflict and human rights violations. States also associated transitional justice with addressing wider economic and social injustice, exclusion, structural inequalities and marginalization.¹⁷

8. The first Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence also examined the preventive potential of transitional justice. He noted that transitional justice could contribute to sustainable peace and security by helping to break cycles of violence and atrocities, delivering a sense of justice to victims, and prompting examinations of deficiencies in State institutions that may have enabled those cycles.¹⁸ Observing that each component of transitional justice could contribute to prevention, he highlighted in particular the inherently forward-looking and preventive function of

⁹ General Assembly resolution 70/262 and Security Council resolution 2282 (2016).

¹⁰ General Assembly resolution 70/262 and Security Council resolution 2282 (2016), preambles.

¹¹ *Ibid.*

¹² General Assembly resolution 70/262 and Security Council resolution 2282 (2016), paras. 3–4, 18, 21–23 and 27.

¹³ *Ibid.*, para. 12. See also [S/PRST/2021/22](#) and [S/PRST/2021/23](#), and https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/4._ohchr_thematic_paper_on_transitional_justice.pdf.

¹⁴ See [S/2020/98](#); and <https://www.un.org/press/en/2020/sc14109.doc.htm>.

¹⁵ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25552&LangID=E>.

¹⁶ *Ibid.*

¹⁷ See <https://www.un.org/press/en/2020/sc14109.doc.htm>.

¹⁸ [A/HRC/37/65](#), para. 11.

“guarantees of non-recurrence”.¹⁹ This concept refers to the broad set of measures that a society needs to take to address the causes of violations with a view to avoiding their recurrence. In his work, the Special Rapporteur underlined that the kind of sustainable social transformation envisaged by “guarantees of non-recurrence” could be pursued not only through institutional reforms (e.g. ensuring judicial independence or establishing civilian oversight of security forces) but also through interventions aimed at strengthening civil society (e.g. repealing laws that limit civic space) and measures in the cultural and personal spheres (e.g. education and the teaching of history, arts, and archives).²⁰

9. Research and analysis provide concrete examples that transitional justice is a key element of sustaining peace because of its ability to catalyse transformative reforms that prevent recurrence and to pursue social integration. A recent report based on several country case studies produced by the International Centre for Transitional Justice similarly found that transitional justice could help establish and sustain more peaceful societies.²¹ The report identifies the following key ways in which transitional justice can contribute to prevention: addressing exclusion and related grievances at the level of individual victims (due to their experience of human rights violations) and at the collective or group level (due to targeted violations and structural marginalization); contributing to a more inclusive and protective rule of law; and including or catalysing the reform of exclusionary or discriminatory laws and institutions.²² A recent United Nations Development Programme (UNDP) report similarly concluded that addressing root causes of conflict, including grievances associated with exclusion, was “the connecting factor between the dealing-with-the-past paradigm and the prevention paradigm and where the field of transitional justice is positioned”.²³

B. Transitional justice and sustainable development

10. The United Nations promotes “human development”, as a notion that expands the richness of human life, rather than simply the richness of the economy in which human beings live.²⁴ It is focused on people and their opportunities and choices. Instead of using growth in gross domestic product as the sole or principal measure of development, human development considers the extent to which people have the freedom and opportunity to live the lives they value.²⁵ This approach is based on the inalienable human right to development, “by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”.²⁶ “Sustainable development” implies “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.²⁷

11. In 2013, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence examined the linkages between transitional justice and human development.²⁸ He stressed that serious human rights violations not only cause pain and suffering to victims, but also create conditions that hamper development. These primarily include a weakened sense of people as rights-holders, and a deep social mistrust, as well as an undermining of basic capacities of human development.²⁹ The inability and reluctance of individuals to initiate action and raise claims against each other and the State weakens their

¹⁹ A/HRC/37/65, para. 15.

²⁰ See A/72/523.

²¹ See https://www.ictj.org/sites/default/files/ICTJ_Report_Overview_TJ_Prevention.pdf.

²² Ibid.

²³ See <https://www.undp.org/publications/justice-past-peace-and-inclusion-future-development-approach-transitional-justice#modal-publication-download>, p. 57.

²⁴ See <http://hdr.undp.org/en/content/what-human-development>.

²⁵ See <http://report.hdr.undp.org/intro.html>.

²⁶ Declaration on the Right to Development, art. 1.1.

²⁷ See <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>.

²⁸ See A/68/345. The current Special Rapporteur has also argued that narrow development efforts that exclude considerations pertaining to justice or human rights fail to achieve sustainable development – see A/HRC/39/53, para. 69.

²⁹ A/68/345, para. 40.

sense as rights-holders.³⁰ Together with a diminished trust in public institutions, this undermines participation and social cohesion. Serious human rights violations negatively affect bodily health and integrity as well as the exercise of emotions, practical reason and control over one's political and material environment, as basic capacities of human development.³¹

12. The same Special Rapporteur argued that comprehensive transitional justice measures contribute to mitigating developmental blockages such as structural violence, exclusion, inequality and poverty.³² At the general level, transitional justice measures can help reverse adverse forms of recognition by signalling the status of victims as equal rights-bearers through acknowledging people's stories, their desire for justice and rights to compensation, and by offering a voice and recognition.³³ Such measures can also foster civic and institutional trust and build positive social capital, as they reassert a normative commitment.³⁴ Beyond these general contributions, the Special Rapporteur identified specific contributions of transitional justice to development. For example, criminal prosecutions strengthen the rule of law. Truth-seeking can help formulate adequate reform programmes and provide analysis to underpin the economic integration of victims. Reparation programmes can provide victims with direct support and benefit broader communities. Institutional reform programmes, including vetting, can enhance trust in security institutions.³⁵

13. In sum, transitional justice can contribute to sustainable development in various ways to the extent that it can assist in reversing the negative developmental effects of legacies of mass human rights violations. These contributions may primarily be located in the restoration of civic and institutional trust, as well as the empowerment of victims and communities through the repair of human capacities for development and the agency and ability to claim the realization of human rights. Transitional justice and sustainable development share a core preoccupation 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. At the same time, development cannot be disassociated from justice, since impunity and a lack of rule of law are often the root causes of marginalization and exclusion. Transitional justice and development actors have therefore a lot to gain from effective coordination, in search of complementarity and mutual reinforcement of their interventions.

C. Transitional justice and Sustainable Development Goal 16

14. The 2030 Agenda for Sustainable Development is a global plan of action that seeks to strengthen universal peace, eradicate poverty, realize the human rights of all, achieve gender equality and shift the world onto a sustainable and resilient path, leaving no one behind.³⁶ Within the 2030 Agenda, Sustainable Development Goal 16 reflects States' commitment to promote peaceful and inclusive societies for sustainable development, to provide access to justice for all and to build effective, accountable and inclusive institutions at all levels. It recognizes the critical importance of governance and institution-building as underpinning development and peacebuilding efforts. It highlights the need for the rule of law and encourages catalytic measures to realize people's rights within effective justice systems. It underscores that sustainable peace and development are intimately linked to respect for human rights, justice, and the rule of law. It connects peace, justice and inclusion.

15. Drawing on fundamental freedoms and the human rights principles of equality and non-discrimination, as well as the right to participation in public affairs and public access to information, Goal 16 is often referred to as a transformational goal and cross-cutting "enabler"

³⁰ A/68/345, para. 15.

³¹ A/68/345, para. 32.

³² A/68/345.

³³ A/68/345, para. 37.

³⁴ A/68/345, para. 66.

³⁵ A/68/345, para. 67.

³⁶ General Assembly resolution 70/1.

of all other goals in the Sustainable Development Goals framework. Several of its targets commit States to inclusive, participatory, representative and accountable decision-making and governance, also fulfilling the promise of “leaving no one behind”. It holds the “process” keys to unlocking the transformative potential in the entire Sustainable Development Goals framework. This interlinkage between Goal 16 and other Sustainable Development Goals is reflected in the concept of “Sustainable Development Goal 16+”.³⁷ This concept underlines the links, in particular those with targets that directly pertain to peace, justice and inclusion, such as gender equality.³⁸

16. In its 2019 *Justice for All* report, the Task Force on Justice of the Pathfinders for Peaceful, Just and Inclusive Societies assessed the scale of the worldwide justice gap.³⁹ Recognizing that two thirds of the world’s population lacked meaningful access to justice, the Task Force noted that this was both a reflection of structural inequalities and a contributor to such inequalities.⁴⁰ It concluded that “without increased justice, the world will not be able to end poverty, reduce inequality, reach the furthest behind first, create conditions for shared and sustainable prosperity, or promote peace and inclusion”.⁴¹ In order to move “from justice for the few to justice for all”, it advocates for putting people and their needs at the centre of justice systems, solving justice problems, improving the quality of justice journeys, using justice for prevention (including by addressing legacies of human right violations), and empowering people to access services and opportunities.⁴²

17. Transitional justice and Sustainable Development Goal 16 share similar objectives and aspirations for peace, access to justice, accountability, combating inequalities, prevention of conflict, inclusive institutions and a strengthened rule of law. Moreover, several Goal 16 indicators are relevant to transitional justice, including target 16.3 on ensuring equal access to justice, target 16.6 on accountable institutions and target 16.7 on inclusive and participatory decision-making. As such, transitional justice can contribute to the realization of many of the Goal 16 targets.⁴³ The justice gap is greatest and the challenges of building a peaceful, just and inclusive society are nowhere as acute and complex as in contexts of transition – in the aftermath of repression or conflict that has been accompanied by mass human rights violations. There is a need for extraordinary justice responses if the goal of leaving no one behind is to be achieved, in order to close the gap in responding to enormous justice claims, and to tackle the pattern of exclusion, marginalization and stigmatization of communities, and societal divisions. The concept of Goal 16+ accentuates the criticality of addressing interlinking root causes of poverty, forced displacement, gender inequality, statelessness and marginalization of people, as well as educating for a culture of peace and non-violence. The transitional justice framework can assist in meeting such challenges.⁴⁴

18. In a 2019 report, the Working Group on Transitional Justice and Sustainable Development Goal 16+ contended that, in contexts of serious and massive human rights violations, sustainable peace and development will be more attainable if societies effectively

³⁷ See <https://www.sdg16.plus/>.

³⁸ Particularly Goal 4 on education, Goal 5 on gender equality, Goal 8 on economic growth and jobs, and Goal 10 on reducing inequality. See https://cic.nyu.edu/sites/default/files/peaceful_just_inclusive_targets_analysis_aug2016.pdf.

³⁹ See <https://www.justice.sdg16.plus/task-force-on-justice> and <https://www.justice.sdg16.plus/report>.

⁴⁰ Ibid.

⁴¹ See https://www.justice.sdg16.plus/_files/ugd/90b3d6_746fc8e4f9404abeb994928d3fe85c9e.pdf, p. 18.

⁴² See <https://www.justice.sdg16.plus/report>. See also the Declaration on Equal Access to Justice for All by 2030, available at https://www.justice.sdg16.plus/_files/ugd/90b3d6_9357f6ca843f452db89b671b1675524e.pdf.

⁴³ For example, target 16.3 on promoting the rule of law and ensuring equal access to justice for all; target 16.6 on developing effective, accountable and transparent institutions; target 16.7 on responsive, inclusive, participatory and representative decision-making at all levels; target 16.10 on public access to information and the protection of fundamental freedoms; target 16a on strengthening relevant national institutions to prevent violence and crime; and target 16b on the promotion and enforcement of non-discriminatory laws and policies.

⁴⁴ See <https://www.sdg16hub.org/system/files/2019-07/Global%20Alliance%20SDG%2016%20Global%20Report.pdf>, pp. 37–38.

pursue justice for those violations.⁴⁵ Focusing on prevention, the report argued that transitional justice could foster trust in institutions and among people and groups, strengthen rule of law and access to justice, help to transform gender inequalities, and reduce inequality, marginalization and corruption.⁴⁶ It promoted a problem-solving approach to transitional justice, which requires context-specific and locally led innovation, the participation of victims, and balancing concern for political settlements and for stability with the aim of maximizing long-term change.⁴⁷

19. In other words, transitional justice provides a framework for addressing justice challenges linked to legacies of large-scale and serious human rights violations in countries in transition. It thereby offers States a tool to meet their commitments under Sustainable Development Goal 16. At the same time, Goal 16 offers States a framework to conceptualize transitional justice initiatives from a development perspective, maximizing the opportunities for sustaining peace. Key potential contributions of transitional justice to the realization of Goal 16 lie in the empowerment of those claiming justice; the strengthening of civic and institutional trust; the promotion of inclusivity and participation, including of women; and a consistent focus on prevention and on identifying and addressing root causes of conflict and abuse, including marginalization and institutional malfunctions.

III. The potential of transitional justice for sustaining peace and for sustainable development

20. In the previous chapter, it was suggested that the main contributions of transitional justice to sustaining peace and to sustainable development lay in its potential to foster trust, empower people, promote inclusion and participation, address root causes of serious human rights violations and contribute to prevention. The present chapter further explores and illustrates these interconnected and mutually reinforcing elements, which – combined – could be considered to constitute the sustaining peace and development potential of transitional justice. However, it must be emphasized that the extent to which this potential can be realized is dependent on multiple factors, including the design of the specific transitional justice measures and the broader dynamics and policy choices in any given context.

A. Fostering trust

21. In his report entitled *Our Common Agenda*, which was welcomed by the General Assembly in November 2021,⁴⁸ the Secretary-General placed human rights at the heart of a “renewed social contract” that seeks to reset the relationship between people and the institutions meant to serve them by tackling inequalities and exclusion and building trust and social cohesion. Trust can work vertically with a focus on institutions, and horizontally emphasizing relations among individuals and groups.⁴⁹ It comes from a mutual sense of commitment to shared norms and values beyond predictability.⁵⁰ We trust institutions when they represent and act in conformity with shared norms, demonstrating legitimacy, transparency and accountability.

22. Transitional justice can contribute in various ways to the restoration of people’s trust in institutions and people. For example, prosecutions of perpetrators of serious human rights violations can generate trust through the reaffirmation of fundamental norms, especially when showing that nobody is above the law. Genuine truth-seeking initiatives can enhance trust by uncovering long-standing patterns of marginalization, contributing to shared narratives and a reduction of societal polarization, and developing a vision for the future based on inclusion and equality. Reparations can foster trust when they demonstrate the State’s seriousness in dealing with human rights violations, attaching tangible consequences

⁴⁵ See https://www.ictj.org/sites/default/files/ICTJ_Report_WG-TJ-SDG16+_2019_Web.pdf, p. 5.

⁴⁶ *Ibid.*, p. 1.

⁴⁷ *Ibid.*

⁴⁸ General Assembly resolution 76/6.

⁴⁹ See [A/HRC/30/42](#), [A/HRC/36/50/Add.1](#) and [A/68/345](#).

⁵⁰ [A/HRC/21/46](#), para. 32.

to an acknowledgement of responsibility. Institutional reforms can restore trust, for instance, by removing perpetrators from security forces and other institutions (vetting), showing a commitment to norms and integrity.⁵¹

23. Accessibility of justice for victims and communities affected by serious human rights violations is a key enabler of trust. For instance, in Timor-Leste, the implementation of mobile courts with translators improved people's access to justice in remote locations, reducing impunity in pending criminal cases.⁵² In Kosovo,⁵³ the establishment of "friendly interview rooms" within the Special Prosecution Office and within the Police War Crimes Investigation Unit boosted the confidence of survivors of conflict-related sexual violence to share their experiences with the criminal justice system, helping cases move forward.⁵⁴ In Uganda, traditional justice systems in local communities enabled conflict victims' access to justice and services. In each of these cases, community and institutional trust was boosted.

B. Empowering people

24. Transitional justice's potential to empower people primarily lies in its fundamental focus on victims and civil society. Transitional justice is about providing acknowledgement to victims and affected communities not just of their suffering but also of the fact that they were wronged. It contributes to restoring their dignity and to recognizing them as rights-holders and full and equal participants in society. Each transitional justice component can contribute to empowerment. For example, victims can find empowerment in the vindication of their rights before a court, seeing their abuser held responsible. Truth-seeking initiatives can offer victims and communities a platform to publicly share their experiences, contributing to a public record and a transformational and shared narrative for the future. Reparations can provide victims and communities some means to change the conditions that hold them back. Legal and other reforms conceived as guarantees of non-recurrence can be equally empowering, especially when focused on opening civic space.

25. A victim-centered approach is therefore a core principle of the United Nations approach to transitional justice.⁵⁵ By allowing victims to initiate, drive and participate in a transitional justice process, and by taking their rights, needs and aspirations into account at every step of the way, transitional justice aims to empower victims to effectively manifest themselves as rights-holders and reclaim the space in society that was denied to them. In Guatemala, for example, a survivor-led mechanism was established to monitor State implementation of collective reparations awarded in the landmark Sepur Zarco case.⁵⁶ Indigenous women's representatives took part in monitoring committees and created a framework to track implementation by the State, contributing to their leadership and empowerment. In the Syrian Arab Republic, a partnership between Syrian victims' and civil society organizations led to a Truth and Justice Charter, seeking to place victims at the forefront of justice efforts and prompt international stakeholders to prioritize their demands.⁵⁷

26. Empowering victims' and civil society organizations is critical, as they play a key role in advocacy, mobilization, capacity-building and education. In Argentina, for example, victims' and civil society organizations, such as Mothers and Grandmothers of Plaza de

⁵¹ A/HRC/21/46, para. 34.

⁵² See

https://sustainabledevelopment.un.org/content/documents/23417TimorLeste_VNR_2019_FINAL.pdf.

⁵³ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

⁵⁴ Submission from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>, at p. 8.

⁵⁵ See https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.

⁵⁶ See also the submission from the United Nations Development Programme (UNDP) regarding Guatemala available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>, at p. 2.

⁵⁷ See <https://www.impunitywatch.org/truth-and-justice-charter-syria>; see also the submission from Impunity Watch available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>, at p. 3.

Mayo, played a prominent role in shaping the transitional justice process, including by achieving convictions for crimes against humanity committed during the dictatorship.⁵⁸ In El Salvador, consultations with victims of violations committed during the armed conflict created a space for recognition and allowed the Government to understand victims' priorities and demands.⁵⁹ Another effective way of empowering is through the establishment of transnational networks such as the International Network of Victims and Survivors of Serious Human Rights Abuses.⁶⁰

C. Enhancing inclusion

27. Transitional justice strives for inclusion, both at the individual and collective level, in at least three ways. First, transitional justice measures can facilitate inclusion by bringing people into the process, through support and recognition, meaningful participation, increased awareness of rights, rebalancing power dynamics, and putting issues of inclusion on the public agenda.⁶¹ Second, transitional justice processes can help identify and address grievances and root causes associated with exclusion, including inequality, discrimination, marginalization, corruption, insecurity, and lack of access to power, resources and services.⁶² Third, transitional justice processes can contribute to long-term change by making institutions more inclusive, dismantling those that commit and facilitate abuses and helping to create institutions that can play a preventive role (e.g. constitutional and legal frameworks, anti-corruption bodies, educational systems and so on).⁶³

28. Precisely because of the importance of inclusion, the United Nations approach to transitional justice emphasizes the value of public consultations and participation, including with the aim of fostering broad ownership within society.⁶⁴ Meaningful participation in the conduct of public affairs is a human right.⁶⁵ Participation also generates information, increasing the likelihood that proposed policies capture the sense of justice of victims and communities. A process receives greater legitimacy through participation, as it provides recognition. And participation puts a human face on complex processes, facilitating understanding.⁶⁶

29. A key contribution that transitional justice processes can make is to render visible and promote the inclusion of traditionally excluded communities and segments of the population, such as minorities, indigenous peoples, and marginalized regions. For instance, in Colombia, the Special Jurisdiction for Peace specifically sought to bring indigenous peoples into the process, including by visiting their communities in order to raise awareness of its mandate and by conducting trials in indigenous peoples' native languages. In Morocco, the collective reparations programme assisted in integrating geographic areas whose inhabitants had been historically marginalized. Local coordination committees and participatory approaches allowed disenfranchised communities and civil society to contribute to the design and implementation of the programme.⁶⁷ In Kenya, the Truth, Justice and Reconciliation Commission examined the underlying causes of violations and adopted approaches to counter exclusionary patterns that had led to conflict, including by beginning its hearings in the most marginalized region and facilitating women's hearings.

30. A specific focus on the inclusion of children and youth can be instrumental in giving them a voice and tapping into their potential to bring about social transformation for

⁵⁸ Submission from the national human rights institution of Argentina, available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>.

⁵⁹ Submission from the national human rights institution of El Salvador, available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>.

⁶⁰ See <https://i-novas.org/our-vision/>.

⁶¹ See https://www.ictj.org/sites/default/files/ICTJ_Report_Overview_TJ_Prevention.pdf.

⁶² See <https://openknowledge.worldbank.org/handle/10986/28337>.

⁶³ See A/HRC/37/65 and A/72/523.

⁶⁴ See https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.

⁶⁵ See <https://www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx>.

⁶⁶ A/HRC/34/62, paras. 25–26.

⁶⁷ Input from Impunity Watch. See also https://www.ictj.org/sites/default/files/ICTJ_Report_WG-TJ-SDG16+_2019_Web.pdf.

succeeding generations.⁶⁸ For example, in Croatia, the memorialization campaign by the Youth Initiative for Human Rights honoured and remembered the missing and engaged the public in questions about past violations. In Colombia, the Commission for the Clarification of Truth, Coexistence and Non-Repetition undertook a “National Consultation of Children and Youth for the Truth,” which empowered children and youth and engaged in reflection on their role in the construction of truth, collective memory, coexistence and non-recurrence.

31. Inclusive transitional justice processes that are participatory and seek broad societal ownership do not only enhance inclusion. They can be deeply empowering for victims and marginalized communities, giving them voice and agency to shape their own future as rights-holders, and can foster trust in institutions and among communities. Participation is thus a key vector in the realization of the peace and development potential of transitional justice.

D. Increasing gender equality

32. Inclusion requires gender equality. Gender sensitivity is a core principle of the United Nations approach to transitional justice.⁶⁹ Gender-responsive transitional justice requires not only that women’s perspectives, priorities and experiences be consistently taken into account, but also adopts a gender lens when examining the root causes of conflict, including by considering pre-existing gender-based discrimination and violence against women.⁷⁰ It facilitates the development of more inclusive narratives.⁷¹ Importantly, it demands the full and meaningful participation of women as rights-holders, agents of change and leaders.⁷²

33. Meaningful participation manifests itself when women can deploy their agency, gather evidence, set agendas, build coalitions, mobilize strategies for change, and assert influence that alters decision-making outcomes to reflect women’s diverse interests and the wider interests of a society. For instance, in Kosovo, following adoption of the 2014 law recognizing the legal status of conflict-related sexual violence survivors and their entitlement to reparations, consultations were organized with survivors, enabling a safe and empowering space for them to express their concerns and priorities around the establishment of the conflict-related sexual violence commission. The consultations included art therapy and stress management interspersed with sessions focused on documenting the voices and needs of survivors, ensuring their leadership in the design of reparations while also receiving self-care support.⁷³ In the Gambia, consultation workshops on the truth-seeking process facilitated through local women’s groups resulted in a submission to the Truth, Reconciliation and Reparations Commission of a report on their experiences during the dictatorship.⁷⁴ In Liberia, the creation of the Truth and Reconciliation Commission’s Gender Committee led to the effective participation of women in the Commission’s core operations, including statement-taking, holding public hearings, and conducting investigations.

34. Achieving a gender-sensitive and transformative approach will require investing in safeguards against the specific stigma, risks, threats and barriers that women may face.⁷⁵ Long-term investment to create a safe environment for women that empowers local women’s

⁶⁸ See <https://www.undp.org/sites/g/files/zskgke326/files/publications/UNDP-From-Justice-for-the-Past-to-Peace-and-Inclusion.pdf>.

⁶⁹ See https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.

⁷⁰ See

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/A-review-of-UN-Women-programming-on-gender-sensitive-transitional-justice-en.pdf> as well as A/75/174.

⁷¹ See also https://www.ictj.org/sites/default/files/ICTJ_Report_WG-TJ-SDG16+_2019_Web.pdf.

⁷² See submission from Switzerland for additional examples of the incorporation of a gender perspective in dealing with the past, available from <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Peace-realization-SDG16.aspx>.

⁷³ See also Siobhan Hobbs, *Bees of Change: The Exponential Effects of Micro-Grants for Survivors of Conflict-related Sexual Violence in Kosovo* (United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2019).

⁷⁴ See <https://www.ictj.org/publication/women%E2%80%99s-experiences-dictatorship-gambia>.

⁷⁵ See the forthcoming UNDP and UN-Women report on women’s meaningful participation in transitional justice.

organizations and promotes local partnerships is essential. For example, in Bangladesh, the non-governmental organization Asia Justice and Rights partnered with 100 women in a Rohingya refugee camp to build knowledge about their rights and role in justice processes, thereby developing women's capacities to safeguard their meaningful participation at all stages and with a long-term perspective.

E. Contributing to prevention

35. Transitional justice processes that are designed with a preventive focus undertake an in-depth examination of the root causes and facilitators of violence and human rights abuse, for example as part of a truth-seeking process. This requires an analysis of human rights violations, including of the actors, structures and resources used to perpetrate them; of the reasons for perpetrating them; and of the effects of such violations on victims and society.⁷⁶ This examination allows for the identification of mitigating measures. Transitional justice efforts have often focused primarily on measures in the institutional sphere – notably on more accountable and inclusive institutions, enhanced independence of the judiciary and strengthened oversight.⁷⁷ The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has argued that measures at the societal level such as the opening of civic space and promoting freedom of the media, and in the cultural/personal spheres, including history education, memorialization and psychosocial support, are equally important in order to achieve the systemic changes needed to prevent recurrence.⁷⁸

36. One important way in which transitional justice processes can contribute to prevention is by also examining and addressing economic, social and cultural rights issues, for instance health, education, and access to land, including as part of the root causes of conflict and repression.⁷⁹ The Commission for Reception, Truth and Reconciliation in Timor-Leste and the Truth and Reconciliation Commission in Sierra Leone, for example, dealt with economic, social and cultural rights by prioritizing violations that were more representative of systematic harm: in Timor-Leste, the rights to health, education and an adequate standard of living; in Sierra Leone, the right to property.⁸⁰ In Colombia, the Government has implemented collective reparation measures and return and relocation strategies for the displaced population, thus helping to redress collective impacts of the conflict. The comprehensive nature of the reparation measures, which include health care, education and housing, contributes to addressing victims' vulnerability and social exclusion.

37. A systemic analysis of violations and their root causes focusing on and involving marginalized communities can foster inclusion and therefore contribute to prevention. For example, in Buenaventura, Colombia, the Integral System for Truth, Justice, Reparation and Non-Repetition signed a Pact for the Search for Peace to uncover the magnitude, systematic nature and continuity of enforced disappearances. The Pact assists particularly affected groups, such as Afro-Colombian and indigenous communities, and is aimed at expediting the search for missing persons. It has promoted the resilience of conflict-affected communities, addressing historical injustices faced by marginalized groups.

⁷⁶ Alexander Mayer-Rieckh, "Guarantees of non-recurrence: an approximation", *Human Rights Quarterly*, vol. 39, No. 2 (May 2017), p. 444.

⁷⁷ For a comprehensive overview of institutional reform recommendations formulated by nine truth commissions, see <https://www.dcaf.ch/recommending-change-truth-commission-recommendations-institutional-reforms>.

⁷⁸ See [A/HRC/30/42](#), [A/HRC/37/65](#) and [A/72/523](#). See also Alexander Mayer-Rieckh, "Guarantees of non-recurrence: an approximation".

⁷⁹ See <https://www.ohchr.org/Documents/Publications/HR-PUB-13-05.pdf>.

⁸⁰ *Ibid.*, p. 54.

IV. Maximizing the impact of transitional justice on sustaining peace and on sustainable development

38. There are several factors that have a bearing on the potential of transitional justice to sustain peace and advance development. These are primarily related to the design and implementation of specific transitional justice policies and programmes, including the extent to which they are context-specific (considering local challenges and opportunities), comprehensive (seeking progress regarding all four components of transitional justice) and nationally owned (considered legitimate by victims and broader society). The present chapter explores additional ways in which transitional justice's contribution to sustaining peace and development can be maximized.

A. Connect transitional justice to broader policy agendas

39. The previous sections showed that transitional justice shares many of its goals and objectives with other policy areas, including sustaining peace, prevention of conflict, and sustainable development. This immediately underscores the point that transitional justice alone is unlikely to achieve the desired outcomes without a more integrated approach that reflects those linkages. Coordination with other policy areas will be critical to ensure mutually reinforcing interventions and optimal use of resources in the pursuit of the same overarching goals.⁸¹ Two specific opportunities for coordination are advanced here, each linked to a distinctive feature of transitional justice.

40. First, transitional justice is unique in its pursuit of a better future through a thorough examination of the past. Effective forward-looking measures depend on the ability to identify the structures and processes that enabled human rights violations and abuses, systemic deficiencies in need of reform, and missing safeguards.⁸² Consistently adopting a similar "past-sensitive stance" when formulating policies and programmes in development settings will help identify points of convergence and complementarity and make the combined interventions more effective.

41. Second, transitional justice adds value by placing victims at the centre. Victims and survivors can report first-hand which violations and abuses were committed and how, and what could have prevented them from happening. Such information provides a crucial starting point for the design of any reform initiative. For instance, security sector reform efforts benefit from taking into account victims' direct experiences of systemic deficiencies such as lack of access to legal counsel and an absence of judicial and other oversight mechanisms of law enforcement. However, prevention initiatives and development reforms are often conceived and implemented from a purely developmental perspective, focusing on future effectiveness but not rectifying the deficiencies that make the systems prone to discrimination and abuse. Approaching such reforms through a human rights and transitional justice lens is paramount to ensuring that prevention and development efforts are deployed in the true interest and benefit of the population.

B. Ensure strategic and long-term planning

42. The kind of impact sought by transitional justice and related policy areas can only be the outcome of long-term processes that take generations to complete. Moreover, transitional justice processes often play out in politically charged contexts, making them prone to challenges and setbacks, including the threat of renewed conflict, violence or repression. Additionally, transitional justice projects or measures are increasingly pursued in weakly institutionalized contexts and/or in contexts of ongoing conflict or insecurity, in which the traditional preconditions for effective transitional justice are missing. All of this requires careful, strategic and long-term planning, including the identification of short-, medium- and

⁸¹ See [A/68/345](#), and also [A/72/523](#).

⁸² See <https://muse.jhu.edu/article/657336> and <https://peacelab.blog/2018/11/adopt-a-stance-not-just-mechanisms>.

long-term priorities and goals. It also requires a vision, as well as sustained engagement and commitment.

43. This is challenging for most countries. It is also not easy for the international community, including the United Nations system, whose support will often be critical in such delicate transition processes. International support generally comes in the form of time-bound project-based assistance. A recent analysis of Peacebuilding Fund-supported projects found that with time, there is donor fatigue, which comes at a time when significant changes still need to occur or be sustained. The analysis considered that “in light of the overarching goal of strengthening trust, it is important not to abandon support, thus frustrating expectations of and undermining positive developments in terms of rebuilding trust”.⁸³

44. Some of these challenges may be countered in two ways. First, joint and integrated analyses by United Nations actors should be developed, notably to understand the political context, risks and opportunities and to undertake a solid stakeholder assessment. Such joint endeavours should specifically focus on the elements of trust, empowerment, inclusion and participation, gender equality, and addressing root causes. This approach may help develop comprehensive country-specific transitional justice strategies and generate longer-term commitment from donors and the wider international community. Second, planning processes should systematically include a strong focus on the preconditions for a conducive environment for transitional justice. When inclusion is based on an analysis of the linkages between justice, stabilization and security, it may allow for a sharper focus on strategic preparatory activities and the building of longer-term capacities.

C. Enhance data collection to measure impact and progress

45. Rooted in law and morality, the field of transitional justice has not focused on empirically demonstrating that certain measures have delivered certain agreed outcomes. Measuring impact and causality in this area is particularly difficult. This is – among other things – because the goals of transitional justice processes are often ambitious; the interrelated strands of work are inherently complex; the processes are connected to parallel processes in related areas, particularly development and political reforms; and a long-term perspective is required for their implementation in a context that is often marked by political contestation, fragility, conflict and violence. Such factors present significant challenges to collecting data for an initial baseline and identifying relevant and measurable targets and indicators of progress.⁸⁴

46. There are two ways to make a relatively quick win in this area. First, better-suited methodologies should be devised that include a more granular and realistic understanding of the objectives and goals of transitional justice and the achievement of corresponding milestones over a long-term trajectory, which can be broken down into contributing factors. The present report is one step in that direction. Second, the Sustainable Development Goals framework is an available space to anchor data and evidence about the progress and results of transitional justice processes.⁸⁵ When reporting on progress on the Sustainable Development Goals, Member States should include achievements on addressing legacies of past human rights violations through transitional justice measures. As mentioned earlier, several Goal 16 indicators are relevant to transitional justice, including target 16.3 on ensuring equal access to justice, target 16.6 on accountable institutions and target 16.7 on inclusive and participatory decision-making. The work undertaken by various actors in support of the measurement of progress on these indicators can serve both as a model and a vehicle for improved data collection, evaluation and reporting on transitional justice. Countries can also develop transitional justice-specific indicators to capture their progress.

⁸³ See https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/thematic_review.pdf, p. 32.

⁸⁴ For a recent study on this issue, see https://www.ictj.org/sites/default/files/ICTJ_Report_Measuring%20Results_EN.pdf.

⁸⁵ See https://www.ictj.org/sites/default/files/ICTJ_Report_Measuring%20Results_EN.pdf, p. 3.

47. Precisely because data on Goal 16 indicators remain scarce, OHCHR, UNDP and the United Nations Office on Drugs and Crime have jointly developed an “SDG16 Survey” methodology that countries can use to measure progress. It can support data production on peace, justice and inclusion, and help to better understand complex realities at national and local levels. The survey can also help to unveil how violence, discrimination, inequality and injustice manifest themselves in communities and to identify entry points to address persistent challenges.⁸⁶ The SDG16 Survey includes modules that collect data pertaining to the access to justice, inclusive institutions and participatory decision-making indicators.

D. Seek to make a tangible difference in people’s lives

48. Key principles of the United Nations approach to transitional justice processes demand that they be context-specific and victim-centred. Combined, this requires that such processes be designed primarily with the rights, needs and expectations of victims in mind as they manifest themselves in each specific context. Top-down approaches driven by elites, or the copying of models from other countries without appropriate “localization”, risks resulting in ineffective measures that do not empower stakeholders, improve trust, or promote inclusion. At worst, they may be counterproductive.

49. Recognition, trust and inclusion can be further enhanced by adopting an approach that is both victim-centred and “people-centred”. This means that transitional justice measures are designed in such a way that they seek to make a tangible difference in people’s lives, both in the lives of victims and of the broader population. This approach has several implications: firstly, on the outcomes sought, notably by solving people’s actual problems; and secondly, on methodologies, by making it easy for people to access information and participate, including by investing in public outreach and communication and in mental health and psychosocial support. It also implies an effort to seek effective coordination with social protection and development programmes. For example, such programmes that help alleviate socioeconomic pressures on victims and communities may enable them to engage in a transitional justice process more fully. Such coordination may also assist in maximizing the impact of transitional justice measures, for instance reparations programmes.

E. Take a “process approach” to consultation and participation

50. As highlighted above, public consultation and meaningful participation are paths for realization of the peace and development potential of transitional justice. They are critical instruments in the pursuit of recognition, empowerment, trust, inclusivity, gender equality, ownership and prevention. However, consultation and participation do not come without challenges. These often arise in relation to security, as participants must feel confident that they can engage in safety; representation, so as to involve a sufficiently diverse set of stakeholders; capacity, requiring prior information-sharing and understanding of key concepts; and psychosocial support to minimize the risk of retraumatization.⁸⁷ Despite their importance, there has been relatively little analysis of consultative and participatory experiences in transitional justice from a comparative perspective to identify lessons learned.⁸⁸ This gap must be filled.

51. One important way to maximize the positive impact of consultation and participation, however, is to conceive of such methods not as single events but as ongoing processes.⁸⁹ Adopting a “process approach” to consultation and participation in transitional justice means

⁸⁶ See <https://www.sdg16hub.org/sdg-16-survey-initiative> and <https://www1.undp.org/content/oslo-governance-centre/en/home/presscenter/Blog/where-are-the-numbers-on-peaceful--just-and-inclusive-societies-.html>.

⁸⁷ See [A/71/567](#) and [A/HRC/34/62](#).

⁸⁸ [A/HRC/34/62](#), para. 85.

⁸⁹ [A/HRC/34/62](#), para. 94.

that engagement with victims and other stakeholders, and indeed the broader population, is construed as a dialogue with regular opportunities for interaction.

V. Conclusions and recommendations

A. Conclusions

52. The contribution of transitional justice to sustaining peace and to sustainable development, including to the realization of Sustainable Development Goal 16, lies in its potential to: (a) foster interpersonal and institutional trust; (b) empower victims and communities by repairing capacities for human development and strengthening victims' status and agency as rights-holders; (c) mitigate grievances associated with exclusion and enhance inclusion, at individual and group levels; (d) increase gender equality; and (e) identify root causes of conflict and violations, including marginalization and institutional malfunctions, to catalyse transformative reforms, prevent recurrence and pursue social integration.

53. Transitional justice thus seeks to address legacies of large-scale violations and abuses as not only a matter of redress to victims, but also as a forward-looking and problem-solving human rights policy that strives for societal cohesion, healing and trust-building and for the transformation of conditions that have led to serious human rights violations. As such, it can contribute to renewal of the social contract in complex transitional contexts, as advocated by the Secretary-General in his report entitled *Our Common Agenda*.⁹⁰

54. Many factors have an influence on the extent to which the potential of transitional justice to sustain peace, and to foster sustainable development, can be unleashed. These relate, for example, to the degree to which transitional justice processes are context-specific, comprehensive, victim-centred, gender-sensitive, participatory and nationally owned.

55. The present report identifies five ways to maximize the positive impact of transitional justice on sustaining peace and on sustainable development, namely: (a) consistently adopting a “past-sensitive lens” in peace and development work; (b) undertaking joint and integrated analyses, with a systematic focus on preconditions for a conducive environment for transitional justice; (c) enhancing data collection to measure impact and progress, including by using the Sustainable Development Goals framework; (d) adopting a people-centred approach to transitional justice that seeks to make a tangible difference in people's lives; and (e) ensuring that participatory approaches and public consultation are construed as ongoing processes.

B. Recommendations

56. To maximize the contribution of transitional justice to sustaining peace and to sustainable development, Member States, civil society organizations, the United Nations system and the international community are encouraged:

(a) To use transitional justice processes not only to provide redress to victims of human rights violations, but also as a strategic policy tool to sustain peace and pursue sustainable development, leveraging transitional justice's comprehensive, victim-centred, participatory and problem-solving approach;

(b) When designing transitional justice processes, to focus on the ability of the proposed measures to foster trust, empower people, enhance inclusion, increase gender equality, and identify and address root causes of conflict and abuse;

⁹⁰ See https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf.

(c) To provide programmatic support to transitional justice processes, emphasizing context-specific and locally led innovation, and the meaningful participation of victims, underpinned by a long-term commitment and investment;

(d) To integrate a past-sensitive lens into work to sustain peace and to foster development, incorporating this lens into joint analysis, advocacy and programmes at the country level, thereby assisting countries in building road maps for peaceful, just and inclusive societies, with a long-term dimension;

(e) To maintain long-term attention and support – in order to help create a conducive environment for transitional justice mechanisms to work independently and free from threats, and to realize transitional justice benefits for peace and development;

(f) To further 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 at the national level where relevant.

57. United Nations bodies and entities developing policies, programmes and activities to sustain peace and to foster development are also encouraged:

(a) To ensure adequate information exchange and cooperation between the Human Rights Council, the Peacebuilding Commission and the Security Council on matters of transitional justice;

(b) To grant adequate access by civil society to United Nations bodies and entities dealing with sustaining peace and with development, and ensure that the analysis and perspectives of victims' and grass-roots organizations pertaining to matters of transitional justice reach all relevant United Nations bodies and entities, including the Peacebuilding Commission and Security Council;

(c) To invest in collaboration with development partners, including multilateral development banks, to encourage the adoption of a past-sensitive lens in the design of programmes and the related allocation of funding, and thereby maximize the impact of both transitional justice and development;

(d) In United Nations field presences, to consistently consider how dealing with legacies of serious human rights violations may assist in sustaining peace and in sustainable development, using the transitional justice framework to inform the design and implementation of strategies for advocacy and mission mandate operationalization, as well as common country analyses and development assistance frameworks.

58. The United Nations system is encouraged to undertake further research, and develop or implement guidance, on opportunities or ways:

(a) To assist United Nations field presences to systematically analyse and consider transitional justice issues when conducting conflict analyses and articulating goals, objectives and activities in operational frameworks for sustaining peace and for sustainable development; and to identify good practices derived from various United Nations settings;

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

(c) To ensure that transitional justice initiatives promote transformative processes and outcomes that address gender-based violations and their root causes, including by ensuring that their design and implementation is consistently informed by a strong gender analysis (including a focus on the impact of masculinities) and supported by gender-responsive budgets, and that they benefit from the systematic and meaningful participation of women, including as agents of change and leaders;

(d) To maximize the positive impact of consultations and participatory approaches in transitional justice, with a specific focus on the inclusion of youth and the contribution they can make, including in addressing intergenerational impacts of human rights abuse and achieving sustainable outcomes.

59. To accelerate implementation of the 2030 Agenda for Sustainable Development, including the realization of Sustainable Development Goal 16, and in view of the 2023 United Nations high-level political forum on sustainable development, Member States are encouraged:

(a) To assess progress on the implementation of transitional justice processes and their contribution to Sustainable Development Goal 16 through human rights mechanisms, including the universal periodic review, treaty bodies and the special procedures system;

(b) To incorporate an assessment of progress on transitional justice in voluntary national reviews of implementation of the Sustainable Development Goals, including through consultations with civil society and victims' organizations.

60. The Human Rights Council is recommended to remain seized of the matter, including by considering the organization of a debate, with the participation of relevant United Nations bodies and entities, on transitional justice in the context of sustaining peace and of sustainable development (including Sustainable Development Goal 16), to be informed by prior regional meetings to identify good practices including on the measuring of progress.
