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

Resolution adopted by the Human Rights Council on 7 October 2026

63/28. Human rights and transitional justice

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012, 33/19 of 30 September 2016, 42/17 of 26 September 2019 and 51/23 of 7 October 2022 on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights**,** Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, General Assembly resolution 68/165 of 18 December 2013, on the right to the truth, as well as Council resolutions 18/7 of 29 September 2011, 27/3 of 25 September 2014, 36/7 of 28 September 2017, 45/10 of 6 October 2020 and 54/8 of 11 October 2023, on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recalling also General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling further the set of principles for the protection and promotion of human rights through action to combat impunity[1] and the updated version of those principles,[2]

[1] E/CN.4/Sub.2/1997/20/Rev.1, annex II.
[2] E/CN.4/2005/102/Add.1.

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Recalling the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies[3] and his follow-up report on the same topic,[4] including the relevant recommendations contained therein, and his reports issued in 2006,[5] 2012,[6] 2013[7] and 2014[8] outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

Recalling also the guidance note of the Secretary-General on the United Nations approach to transitional justice of 2010 and noting its revised version of 2023 that is available in all official languages of the United Nations,[9]

Recalling further General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including its goals and targets, inter alia, Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and recognizing that transitional justice can contribute to this Goal, inter alia, through its objectives of combating impunity, granting access to justice and transforming conflict,

Recalling General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council recognized that development, peace and security and human rights are interlinked and mutually reinforcing and, inter alia, stressed that a comprehensive approach to transitional justice, including promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

Recalling also the report of the Secretary-General on peacebuilding and sustaining peace[10] describing the restructuring of the peace and security pillar of the United Nations, management reform and the reinvigorated resident coordinators system,

Taking note of the United Nations-World Bank group study *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* of 2018 and of such initiatives as the Pathfinders for Peaceful, Just and Inclusive Societies,

Affirming that impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, and also to the furtherance of cooperation among peoples and the promotion of international peace and security,

Acknowledging that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities, genocide, war crimes, ethnic cleansing and crimes against humanity, or similar violations, and contribute to sustainable peace and development, and noting with concern that attempts to deny or to justify such crimes may risk undermining the fight against impunity, reconciliation and efforts to prevent such crimes,

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[3] S/2004/616.

[4] S/2011/634.

[5] A/61/636-S/2006/980 and A/61/636/Corr.1-S/2006/980/Corr.1.

[6] A/66/749.

[7] S/2013/341.

[8] A/68/213/Add.1 and A/69/181.

[9] See https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-transitional-justice-strategic-tool.

[10] A/72/707-S/2018/43.

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, the specific context of each situation must be taken into account with a view to preventing the recurrence of future violations and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels with a view to promoting reconciliation, sustainable peace and development,

Emphasizing the importance of a comprehensive transitional justice approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, memorialization initiatives and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish national independent oversight of the security sector**,** restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law and international humanitarian law,

Recognizing the importance of assisting States that have undergone past atrocities, upon their request and in cooperation with them, in devising national comprehensive transitional justice strategies with a view to addressing the needs of victims and their right to an effective remedy, to preventing the recurrence of past atrocities or similar violations, to avoiding relapsing into conflict or other forms of violence and to ensuring sustainable peace and reconciliation, acknowledging that the implementation of such a strategy can contribute to both peacebuilding and development efforts, and encouraging the international community to support such processes in a more sustainable manner,

Noting with appreciation the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and to promote the rule of law, and encouraging further efforts to ensure that a gender perspective and an approach that is victim-centred and addresses the root causes are fully integrated into all of these activities,

Welcoming the role of the Office of the United Nations High Commissioner for Human Rights in relation to transitional justice and human rights, including its conceptual and analytical work, and the increased efforts of the United Nations system for joint planning and implementation across the pillars of the United Nations,

Welcoming also the role of the Peacebuilding Commission and its consistent efforts, in cooperation with national and transitional Governments and in consultation with relevant United Nations entities, to incorporate human rights when advising on and supporting country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

Welcoming further the investment of the Peacebuilding Fund in projects addressing critical gaps in sustaining peace and encouraging it to promote context-specific transitional justice efforts and processes, and taking note with appreciation the contribution of the Office of the High Commissioner to, and its work with, the Peacebuilding Fund,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Recognizing also the importance of documenting and safely archiving documentation of gross human rights violations and abuses and serious violations of international humanitarian law for the purpose of accountability, the fight against impunity and as a contribution to transitional justice processes, and welcoming the efforts of the Human Rights Council and its mechanisms in this regard,

Underlining the importance of international legal standards, as well as existing practices and lessons learned concerning the collection, mapping, recording, preservation, archiving and controlled accessibility of information, evidence and testimonies of gross human rights violations and serious violations of international humanitarian law, as

comprehensive documentation of those violations is crucial for the successful implementation of transitional justice processes and mechanisms,

Recognizing that contemporary developments in technology, artificial intelligence systems and social media have increasingly become important tools in searching for missing persons, including victims of enforced disappearance, truth recovery, documentation, archival research, victim participation and many other aspects of transitional justice work, while acknowledging the risks associated with and the concerns that need to be addressed when deploying new technologies in sensitive environments, such as post-conflict and transitional justice environments,

Taking note with appreciation of the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recognizing the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, from being committed, or in addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence,

Reaffirming the important role of women in peacebuilding, and noting the substantial link between women's full, equal and meaningful participation, including as agents of change and leaders, in efforts to prevent, resolve and rebuild from conflict and the effectiveness and long-term sustainability of those efforts, and stressing in this regard the importance of women's full, equal and meaningful participation in all these efforts and the need to increase women's access to and role in decision-making with regard to conflict prevention and resolution and peacebuilding,

Acknowledging that transitional justice contributes to sustainable peace and security by helping to break cycles of violence and atrocities, delivering a sense of justice to victims and addressing deficiencies in State institutions that may have enabled, if not promoted, those cycles, and underlining the need for its potential in contributing to atrocity prevention, peacebuilding and reconstruction to be properly recognized,

Recognizing that the increase in the number of conflicts worldwide over more than a decade and the magnitude of destruction and harm caused require significant reconstruction, recovery and rebuilding efforts, as well as development cooperation efforts,

Acknowledging that, in such contexts, physical, economic and developmental efforts are essential and should be informed by comprehensive transitional justice measures to ensure sustainable, inclusive and enduring reconstruction, recovery and rebuilding undertakings, particularly in contexts marked by a legacy of gross violations and abuses of human rights and serious violations of international humanitarian law that are often characterized by impunity, mass displacement, entrenched exclusion and marginalization, corruption, lack of legal certainty and of the rule of law, institutional abuse and large-scale traumatization,

Recognizing that efforts to integrate a transitional justice and past-sensitive lens into reconstruction, recovery and rebuilding should not delay, condition or substitute urgent humanitarian assistance, early recovery, the reconstruction of essential civilian infrastructure, or the restoration of essential services, and encouraging the design of humanitarian, recovery and reconstruction assistance in a conflict- and context-sensitive manner,

Acknowledging that the potential of transitional justice to sustain peace and to foster sustainable development depends on the degree to which transitional justice processes are context-specific, comprehensive, victim-centred, gender-sensitive, participatory and nationally owned,

Acknowledging also the importance of systematically including a transitional justice and past-sensitive lens in peace and development efforts,

Emphasizing the need to ensure that transitional justice approaches remain consistent with international human rights law and are not used to justify selective, exclusionary or politically instrumentalized recovery, reconstruction and rebuilding efforts,

Recognizing the importance of mental health and psychological support services for victims and affected communities from early on and throughout transitional justice processes in helping to address grievances and overcome the intergenerational impact of past gross human rights violations and abuses and serious violations of international humanitarian law, acknowledging that unaddressed violence alters family and community structures across decades and that unaddressed trauma stemming from violence can also affect the viability of peacebuilding processes,

Recognizing also the importance of information exchange between the Human Rights Council and other relevant bodies of the United Nations on matters relating to transitional justice,

1. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

2. *Also recognizes* that national efforts to sustain peace, with the support of the international community as applicable, are necessary not only during conflict and in post-conflict situations but also long before conflict breaks out, through the prevention of conflict and addressing its root causes and by ensuring that the respect of human rights and efforts for sustainable development can contribute to lasting peace;

3. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council pursuant to its resolution 51/23,[11] in which lessons learned and good practices of transitional justice in the context of sustaining peace and of sustainable development, notably Sustainable Development Goal 16, were examined, as a follow-up to the report of the Office submitted to the Council pursuant to its resolution 42/17,[12] in which the Office of the High Commissioner examined 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;

4. *Calls upon* States, United Nations bodies and entities**,** and all other relevant stakeholders, to consider the recommendations made in the aforementioned reports and using transitional justice processes as a strategic tool to sustain peace and pursue sustainable development, in addition to providing redress for past gross violations and abuses of human rights and serious violations of international humanitarian law, and recalls that, in order to maximize the positive impact of transitional justice on sustaining peace and on sustainable development, there is the need to adopt measures focused on making a tangible difference in the lives of victims and of the broader population;

5. *Underlines* that documentation processes for transitional justice should be prompt and continuous, comprehensive and documented, inclusive, participatory, context-specific, victim-centred and gender-sensitive, and that appropriate privacy measures should be taken to protect the physical and psychosocial safety and the dignity of victims and witnesses and their family members throughout documentation activities, including when new technologies are being used;

6. *Calls upon* States, where relevant:

(a) To develop and implement comprehensive transitional justice strategies and policies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent the recurrence of such atrocities;

(b) To regularly consult victims' associations and civil society organizations to ensure that measures adopted in the implementation of transitional justice processes remain victim-centred, inclusive, gender-sensitive and innovative, and contribute to an early, tangible and transformative impact on victims and affected communities, including by

[11] A/HRC/58/36.
[12] A/HRC/49/39.

institutionalizing them through national laws, policies, entities, strategic frameworks, action plans and resources;

(c) When designing transitional justice processes, to focus on the ability of the proposed measures to foster trust, empower individuals, enhance inclusion, achieve gender equality, and identify and address root causes of conflict, atrocities and human rights violations and abuses;

(d) To ensure that transitional justice initiatives promote transformative processes and outcomes and, in particular, address sexual and gender-based violence, and other gender-based human rights violations and their root causes, such as gender inequality, including by ensuring that their design and implementation benefit from the full, equal and meaningful participation of women, including as agents of change and leaders;

(e) To ensure that their transitional justice processes address past gross violations and abuses of human rights and serious violations of international humanitarian law as a matter of redress to victims, and as a policy that strives for societal cohesion, healing and trust-building and for the transformation of conditions that have led to atrocities and gross human rights violations and abuses;

(f) To promote approaches to transitional justice that address all human rights violations and abuses, including those relating to economic, social and cultural rights;

(g) To ensure dedicated long-term support and to promote the creation of a conducive environment for transitional justice measures and initiatives, enabling related experts and personnel, to work independently and free from threats and reprisals;

(h) To maximize the impact of existing good practices and ensure their sustainability, through their expansion, adoption of similar measures and provision of dedicated support and complementary measures, as part of a holistic approach to transitional justice that promotes all its key elements of truth, justice, reparation and guarantees of non-recurrence, and, as appropriate, to design, fund and implement comprehensive transitional justice measures as part of their development efforts;

(i) To further use the Sustainable Development Goals framework to accelerate the design, funding and implementation of transitional justice initiatives and to enhance data collection and reporting on progress and impact;

(j) To contribute to the development of international standards to address the risks associated with and the concerns that need to be addressed when deploying new technologies, including artificial intelligence systems, in sensitive environments, such as transitional justice environments, including appropriate privacy measures to protect the physical and psychosocial safety and the dignity of victims and witnesses and their family members;

(k) To recognize the long-term nature of transitional justice processes, to support the plight of victims for truth, justice and reparation and to establish links to permanent structures, such as national justice systems and national institutions or networks for atrocity prevention;

7. *Condemns* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to combat impunity, to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to thoroughly investigate and prosecute those responsible for such violations and crimes, in order to avoid their recurrence, and to promote reconciliation at the national level;

8. *Encourages* States and regional and international organizations to acknowledge and support the important role of civil society, including justice advocates, grass-roots groups and victims' associations, and of the media, in addressing gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and, where relevant, in the promotion, implementation and monitoring of comprehensive transitional justice approaches and efforts;

9. *Underlines* in this regard the importance of taking into account the analysis and perspectives of civil society, such as victims' and grass-roots organizations, pertaining to matters of transitional justice by all relevant United Nations bodies and entities;

10. *Reaffirms* the important role of women in the prevention, in mediation and the resolution of conflicts, and in peacebuilding and in development efforts, and stresses the need for their full, equal and meaningful participation in the design, establishment and implementation of comprehensive transitional justice strategies and processes;

11. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations and abuses, particularly women and girls, in order to ensure gender sensitivity in the restoration of the rule of law and transitional justice processes;

12. *Recognizes* that young people are critical stakeholders and have an invaluable role to play in the design and implementation of transitional justice mechanisms with a view to the non-recurrence of violations and conflict;

13 *Also recognizes* the necessity of a comprehensive, inclusive and nationally owned approach to reconstruction, recovery and rebuilding efforts, which, while addressing physical, environmental and immediate humanitarian needs, also contributes to fostering trust in public institutions, promoting healing and reconciliation, strengthening the rule of law and addressing the root causes of conflict, with the aim of achieving sustaining and durable peace and fostering social cohesion;

14. *Requests* the Office of the High Commissioner to prepare a report, based on international law and standards and good practices, on how transitional justice efforts, where appropriate and with due regard to context, can inform sustainable, inclusive and rights-based recovery, reconstruction and rebuilding efforts, informed by prior consultative meetings, including with practitioners, experts and other actors from the development, humanitarian and security sectors, and to present it to the Human Rights Council at its sixty-ninth session during an enhanced interactive dialogue;

15. *Also requests* the Office of the High Commissioner, in preparing the above-mentioned consultative meetings and report, to consult with States, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, other relevant entities of the Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental organizations, national human rights institutions, non-governmental organizations, victims' associations and other relevant stakeholders, including practitioners;

16. *Decides* to remain seized of the matter.

43rd meeting
7 October 2026

[Adopted without a vote.]