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

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

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Bernard Duhaime, in accordance with Human Rights Council resolution [54/8](#).

* [A/80/150](#).



**Report of the Special Rapporteur on the promotion of truth,
justice, reparation and guarantees of non-recurrence,
Bernard Duhaime**

Summary

In the present report, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence explores the intersection of transitional justice and economic, social and cultural rights. He highlights some key considerations that States that are transitioning from conflict or authoritarian rule should consider when negotiating, designing and implementing transitional justice processes.

I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 54/8, the Special Rapporteur examines the issue of economic, social and cultural rights in the context of transitional justice.

2. Recently, certain countries, such as Bangladesh and the Syrian Arab Republic, have transitioned from periods of conflict or authoritarian rule, creating renewed opportunities for truth, justice and redress for millions of victims and their families, who have suffered for decades. In those and other contexts, long-lasting encroachments on civil and political rights, combined with social and economic inequalities and the concentration of power and wealth, have led to widespread and systematic human rights violations, including killings, torture, arbitrary detention and enforced disappearances, as well as obstruction of access to healthcare, limited access to food and serious damage to cultural heritage and essential infrastructure, including hospitals and schools.

3. In 2016, the United Nations High Commissioner for Human Rights warned that, “in the modern-day context of intensifying competition over and the depletion of natural resources, water, land and other elements that are crucial for an adequate standard of living, the denial of economic and social rights is increasingly at the heart of violence and social unrest”.¹ Rampant inequality, unequal access to resources, structural exclusion, historic deprivation, marginalization and a lack of access to effective grievance mechanisms are often drivers of conflict or are weaponized by authoritarian regimes to perpetuate violence. In many contexts, violence that is committed during authoritarian rule or armed conflicts has either been fuelled by existing economic and social inequalities or led to further violations of economic, social and cultural rights. As some scholars have noted, the social and economic exclusion of certain segments of society – compounded by the corrupt behaviour of political and economic elites, often supported by the military and even organized crime – is a major cause and consequence of violence, social unrest and conflict around the world.²

4. In recent months, there have been numerous examples of gross violations of economic, social and cultural rights in the context of armed conflict. In June 2025, deadly attacks on distraught civilians, who were trying to access paltry amounts of food aid, around aid distribution sites in Gaza shocked the global conscience.³ Since the horrifying attacks of 7 October 2023, the pattern of lethal attacks by Israel, including on and near hospitals in the Gaza Strip, and associated combat have pushed the healthcare system to the brink of total collapse, which has had a catastrophic effect on Palestinians’ access to medical care.⁴ In Ukraine, multiple attacks on infrastructure by the Russian armed forces, targeting in particular the electricity and energy sectors, have compromised the economy and access to essential services, including water distribution, sewage and sanitation systems, heating and hot water, public health and education.⁵ In the Sudan, the conflict between the Sudanese Armed Forces and the Rapid Support Forces has led to the killing of tens of thousands of civilians and the displacement of over 13 million Sudanese people and has subjected many others to sexual violence, looting and the destruction of homes, healthcare facilities, markets

¹ E/2016/58, para. 1.

² Dustin N. Sharp, ed., *Justice and Economic Violence in Transition* (New York, Springer, 2013).

³ See www.ohchr.org/en/press-releases/2025/06/opt-attacks-around-aid-distribution-site-gaza.

⁴ See www.ohchr.org/en/press-releases/2024/12/pattern-israeli-attacks-gaza-hospitals-raises-grave-concerns-report.

⁵ See <https://ukraine.ohchr.org/en/Attacks-On-Ukraines-Electricity-Infrastructure>.

and other critical infrastructure.⁶ Twenty months into the conflict, the Famine Review Committee of the Integrated Food Security Phase Classification detected famine in at least five areas in the country, with half of the population facing high levels of acute food insecurity.⁷ In all these conflicts, the devastation of livelihoods and homes, forced evictions, the destruction of hospitals, schools and cultural heritage, and the degradation of the environment have caused incommensurable suffering to populations, which will take generations to redress through transitional justice processes.

5. Similarly, authoritarian contexts have often been characterized by concomitant violations of economic, social and cultural rights. From the starvation of detainees in political prisons by the Khmer Rouge regime in Cambodia⁸ to the use of slave and forced labour in Nazi Germany, there are countless tragic examples in which economic, social and cultural rights have been suppressed in repressive contexts. During his country visit to Brazil, the Special Rapporteur found that violations of economic, labour, social and cultural rights, including access to land and natural resources, had underpinned the two-decade-long military dictatorship in the country. Those violations were in many instances fuelled by the political and material support or complicity of economic actors and private businesses.⁹ In Kenya, the outbreak of violence during the 2007 presidential elections was rooted in long-standing land disputes and deep economic grievances.¹⁰ In Tunisia, long-lasting inequalities, high youth unemployment and limited avenues for redress and justice created widespread frustration and a sense of exclusion, which ultimately fuelled the mass protests that led to the fall of the Ben Ali regime.¹¹

6. Violations of economic, social and cultural rights have also been committed in the context of colonialism.¹² In his 2024 report on the country visits to Finland and Sweden, the Special Rapporteur noted the policies adopted by the States and the church in the nineteenth and twentieth centuries to suppress Indigenous linguistic and cultural identities and assimilate them into the dominant linguistic and cultural identity.¹³ In a different context, the Office of the United Nations High Commissioner for Human Rights used a transitional justice framework to assess the human rights challenges stemming from the colonial nuclear legacy in the Marshall Islands,¹⁴ which include rising sea levels that threaten to submerge nuclear waste containment sites, which could lead to a risk of irreversible health and environmental harms for generations to come.

7. Moreover, it is crucial to consider the ways in which identity and intersectionality shape the experience of victims of economic, social and cultural rights violations in contexts of armed conflict and authoritarianism. Former mandate holders and scholars have repeatedly found that women have a distinct – and often heightened – experience with violence and oppression that directly interferes with

⁶ See www.ohchr.org/en/press-releases/2025/06/sudan-war-intensifying-devastating-consequences-civilians-un-fact-finding.

⁷ See www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1159433.

⁸ Extraordinary Chambers in the Court of Cambodia, *The Prosecutor v. Kaing Guek Eav alias Duch*, Case No. 001/18-07-2007/ECCC/TC, Judgment, 26 July 2010.

⁹ See www.ohchr.org/sites/default/files/documents/issues/truth/statements/20250407-eom-stm-brazil-sr-truth-en.docx.

¹⁰ See www.ohchr.org/sites/default/files/Documents/Press/OHCHRKenya-report.pdf.

¹¹ See www.ohchr.org/sites/default/files/Documents/Issues/ESCR/EarlyWarning_ESCR_2016_en.pdf, p. 2.

¹² A/76/180, referring, inter alia, to the work of the truth commissions in Kenya, Liberia and Sierra Leone, which examined violations of economic, social and cultural rights, and the economic injustices that occasioned them.

¹³ A/HRC/57/50/Add.3, paras. 3 and 34.

¹⁴ A/HRC/57/77.

their economic, social and cultural rights.¹⁵ In Afghanistan, the Taliban de facto authorities have severely restricted access to education for women and girls, which inherently limits other rights, such as the right to work, and increases their vulnerability to violence.¹⁶ The international impact of the war in Ukraine has disrupted the socioeconomic status of women globally, as war-driven price hikes have exacerbated the gender gap in food insecurity around the world.¹⁷ Gender-based and sexual violence, which disproportionately affects women and girls, increases the demand for medical assistance in places where such services are generally scarce, as is the case in Tigray.¹⁸ The stigma associated with such violence and the birth of children resulting therefrom can also place further strain on women to secure adequate food, work, housing, healthcare and other essential resources for their families. Relatedly, the dire socioeconomic conditions present in many conflicts and countries under authoritarian regimes put women at risk of trafficking and related sexual violence.¹⁹

8. Nevertheless, although violations of economic, social and cultural rights can fuel or be exacerbated by violence in situations of armed conflict and authoritarianism, transitional justice mechanisms have often failed to address such harm, as they have been focused predominantly on violations of civil and political rights, such as the rights to life and to physical integrity, and have overlooked the broader socioeconomic injustices that contributed to the conflict and repression.²⁰ Furthermore, violations of that nature may have arisen from the actions or omissions of corporate actors, especially in contexts where essential services have been privatized, but their responsibilities also remain unaddressed by transitional justice processes. Economic violence, in particular, has long been relegated to the periphery of transitional justice discourse, treated merely as a background context for “more serious” violations, rather than as equally grave violations requiring direct intervention.²¹

9. Integrating economic, social and cultural rights into transitional justice processes has proved difficult, due in part to the perception that such rights are not justiciable as in the case of civil and political rights or that they require substantial financial investment to be realized. Above all, a persistent lack of political will to prioritize the implementation of those rights undermines their inclusion in transitional justice.

10. In recent years, civil society, victims’ groups, practitioners and scholars have criticized transitional justice processes for this narrow focus and their reinforcement of an implicit hierarchy of rights, which fails to acknowledge the interdependence and indivisibility of all human rights.²²

¹⁵ Submission by Lucie Georges; see also [A/75/174](#).

¹⁶ [A/HRC/59/25](#), paras. 67 and 98.

¹⁷ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Global gendered impacts of the Ukraine crisis on energy access and food security and nutrition” (New York, 2022).

¹⁸ [A/HRC/54/55](#), para. 56.

¹⁹ [A/71/303](#), para. 32.

²⁰ Louise Arbour, “Economic and social justice for societies in transition”, *New York University International Journal of Law and Politics*, vol. 40, No. 1 (2007).

²¹ Amanda Cahill-Ripley, *Foregrounding socio-economic rights in transitional justice: realizing justice for violations of economic and social rights*, *Netherlands Quarterly of Human Rights*, vol. 32, No. 2 (2014).

²² Evelyn Schmidt, “Book discussion: introducing taking economic, social and cultural rights seriously in international criminal law”, *Blog of the European Journal of International Law*, 14 March 2016; Tine Destrooper, “Neglecting social and economic rights violations in transitional justice”, *Journal of Current Southeast Asian Affairs*, vol. 37, No. 2 (2018).

11. As a result, there has been a growing shift towards recognizing the importance of economic, social and cultural rights in transitional justice. One of the first truth-seeking mechanisms mandated to examine violations of economic, social and cultural rights as root causes of conflict was the Commission for Reception, Truth and Reconciliation in Timor-Leste. The Commission found that the violations of economic, social and cultural rights, such as displacement, loss of livelihoods and the destruction of vital infrastructure, were far more widespread than violations of civil and political rights following the occupation.²³ In Brazil, the National Truth Commission found that those who had exercised their economic and social rights, such as union workers and peasants, and Indigenous Peoples protecting their lands, were specifically targeted by the dictatorship. In Peru, the Truth and Reconciliation Commission found that peasants and Indigenous Peoples were the main victims of the conflict in the 1980s and 1990s, which severely affected their cultural lives.²⁴

12. Although such efforts are welcome, measures to address violations of economic, social and cultural rights – whether as direct breaches or as root causes of gross human rights violations – remain inadequately reflected in the negotiation, design and implementation of transitional justice mechanisms and processes. While civil and political rights have traditionally taken precedence in transitional justice, experience shows that overlooking the socioeconomic and cultural dimensions of violence undermines efforts to address the harms and structural causes of conflict and authoritarianism, thereby making sustainable peace more difficult to achieve. In effect, this persistent gap has had a detrimental impact on victims, survivors, their families and the broader society.

13. In the present report, the Special Rapporteur explores the intersection of transitional justice and economic, social and cultural rights. He outlines the legal framework and corresponding obligations of States under international law; examines practices and challenges that demonstrate the need to integrate economic, social and cultural rights effectively across all pillars of transitional justice in order to achieve holistic, transformative and sustainable results; presents four key considerations to bear in mind when negotiating, designing and implementing transitional justice mechanisms; and concludes with recommendations addressed to States and other stakeholders, to be implemented with due consideration to the perspectives of historically marginalized groups, in order to avoid worsening existing disparities.

14. In preparing the present report, the Special Rapporteur consulted 36 submissions received in response to a call for inputs sent to Member States, national human rights institutions, non-governmental organizations and other stakeholders. He also convened an online thematic consultation in February 2025, through which he received information from a wide range of stakeholders. The Special Rapporteur thanks all those who contributed to his report.²⁵

II. Progressive integration of economic, social and cultural rights into transitional justice frameworks

15. Economic, social and cultural rights are integral to the universal human rights law framework. Enshrined primarily in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, these rights are further protected by a wide range of international and regional instruments. These

²³ See www.etan.org/etanpdf/2006/CAVR/Chega!-Report-Executive-Summary.pdf, p. 74.

²⁴ See www.everdad.org.pe/ifinal/pdf/TOMO%20IX/2.2.%20PIR.pdf, p. 194.

²⁵ The Special Rapporteur thanks Myriam Pigeon, Skylar Gleason and Rachel Walters, as well as the law clinic at Panthéon-Assas University (Paris II), for their academic support.

instruments include the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the International Convention on the Elimination of All Forms of Racial Discrimination; the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights; the African Charter on Human and Peoples' Rights; the European Social Charter; and the Charter of Fundamental Rights of the European Union.

16. These universal and regional human rights instruments impose well-defined legal duties on States to respect, protect and fulfil economic, social and cultural rights, encompassing both immediate obligations and progressive realization. These rights are neither merely aspirational goals nor a synonym of development. Rather, they constitute enforceable obligations, including with regard to the rights to an adequate standard of living, adequate food, adequate housing, education, health, social security, participation in cultural life, water and sanitation, work and a clean, healthy and sustainable environment.

17. These rights are also contained in international criminal and humanitarian law. Under customary international humanitarian law, for instance, attacks on cultural property and the use of starvation as a method of warfare are prohibited.²⁶ Similarly, in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, infringements of economic, social and cultural rights are considered in the definition of the crime of genocide by criminalizing acts that prevent peoples' access to resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.²⁷ War crimes under the 1998 Rome Statute of the International Criminal Court include starvation as a method of warfare and acts "intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives".

18. The 2005 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 went a step further by defining victims as any "persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law or serious violations of international humanitarian law".²⁸

19. The Special Rapporteur stresses the importance of these norms and expresses serious concern that, despite human rights being universal, indivisible, interdependent and interrelated, most transitional justice processes have overlooked the root causes of conflict or authoritarianism and the violations of economic, social and cultural rights that arise from or underpin them. For transitional justice to be both legitimate and effective, it is imperative that States emerging from conflict or repression fully integrate those rights into their transitional justice frameworks.

20. The importance of such an approach is echoed in the guidance of the United Nations and human rights mechanisms and bodies. The Secretary-General has

²⁶ See rules 38 and 53 in Jean-Marie Henckaerts and Louise Doswald-Beck, eds., *Customary International Humanitarian Law*, vol. I, *Rules* (Cambridge, Cambridge University Press, 2005).

²⁷ International Criminal Court, *The Elements of Crimes* (The Hague, 2013), p. 2. See also *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for the modification of the order of 28 March 2024, Order, International Court of Justice, 24 May 2024, General List No. 192.

²⁸ General Assembly resolution 60/147.

stressed that “transitional justice measures can assist in identifying and addressing grievances and root causes associated with exclusion ... [and] also reveal persistent patterns of inequality, marginalization, discrimination and other economic, social and cultural rights violations”.²⁹ His predecessor stressed that transitional justice processes “must seek to address the related violations of all rights, including economic, social and cultural rights (e.g. loss or deprivation of property rights)”³⁰ and that “truth commissions should also address the economic, social and cultural rights dimensions of conflict to enhance long-term peace and security”.³¹ Similarly, in 2024, the Human Rights Council urged States “to promote approaches to transitional justice that address all human rights violations and abuses, including those relating to economic, social and cultural rights”.³²

21. Lastly, the previous mandate holder also advocated for holistic transitional justice processes by emphasizing that they can unlock systemic issues, such as inequality, discrimination and impunity, as well as resolve root causes of conflicts and crises. In doing so, he pointed to the relevance of people-centred transitional justice processes in the sustainable development agenda.³³

III. Comprehensive approach to integrating economic, social and cultural rights across the five pillars of transitional justice

22. To comprehensively address economic, social and cultural rights, it is necessary to incorporate them into all five pillars of transitional justice processes: truth, justice, reparation, memorialization and guarantees of non-recurrence. Some recent innovative practices serve as examples that may be considered in other contexts. Others show that more should be done to comply with international norms and standards.

A. Truth-seeking

23. Addressing the root causes of violence is an important function of truth-seeking mechanisms. Exploring whether gross human rights violations or failures to realize economic, social and cultural rights were part of the cause or consequence of armed conflict or authoritarianism allows truth commissions and similar bodies to more fully and accurately shed light on the violations that occurred. When they integrate economic, social and cultural rights into their work, truth-seeking mechanisms can effectively and comprehensively address violations and recommend measures that prevent their recurrence.

24. In investigating the human rights violations committed in Timor-Leste between 1974 and 1999, the Commission for Reception, Truth and Reconciliation addressed violations of the rights to an adequate standard of living, health and education. The Commission found that at least 84,200 people had died due to hunger and illnesses, rather than physical violence, during that period.³⁴ It also noted that, as an occupying Power, Indonesia had discriminated against the Timorese people and had failed “to

²⁹ United Nations, “Transitional justice: a strategic tool for people, prevention and peace”, guidance note of the Secretary-General, June 2023.

³⁰ United Nations, “United Nations approach to transitional justice”, guidance note of the Secretary-General, March 2010.

³¹ [S/2011/634](#), para. 24.

³² Human Rights Council resolution [51/23](#), para. 6 (e).

³³ [A/77/162](#), para. 7.

³⁴ See [www.etan.org/etanpdf/2006/CAVR/Chega!-Report-Executive-Summary.pdf](#), p. 44.

provide for certain basic needs, such as food, shelter, essential medicines and basic education”³⁵ and reported on the role of Indonesia in the contamination of natural water sources by toxic bombs, and negligence in the provision of clean water on the island of Ataúro.³⁶ Another example of integration of economic, social and cultural rights into truth-seeking mandates is found in the work of the Truth and Reconciliation Commission of Liberia, which was mandated to investigate economic crimes.³⁷ In Kenya, the Truth, Justice and Reconciliation Commission examined corruption practices and the exploitation of national and public resources, as well as investigating economic, social and cultural rights violations, including land dispossession.³⁸ In the Philippines, the Bangsamoro Transitional Justice and Reconciliation Commission linked historical land dispossession to systemic injustices, although some considered that this did not achieve structural change at the national level.³⁹ In Peru, the Truth and Reconciliation Commission found that the areas of the country that had experienced the most violence were the poorest regions, where people were claiming their economic, social and cultural rights.⁴⁰ The Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer documented cultural rights violations and issued recommendations, such as ending the appropriation of Mayan names by the military and promoting bilingualism in the police force.⁴¹ In Morocco, the Equity and Reconciliation Commission emphasized the need for communal reparations, advocating for improved access to drinking water in marginalized regions affected by political violence.⁴²

25. The Special Rapporteur commends the efforts of certain truth-seeking commissions, which have sought to uncover gross violations of economic, social and cultural rights as root causes or consequences of conflict and repression. However, these commissions have achieved varying degrees of success, and others have entirely overlooked such violations. The Special Rapporteur urges States undergoing transitions to provide full political, technical and financial support to truth-seeking mechanisms in order to enable them to address the full spectrum of gross human rights violations, including of economic, social and cultural rights. Failing to adopt a holistic approach could lead to incomplete or biased accounts of historical truth. Given the frequent reliance of other transitional justice mechanisms on the accounts created by truth-seeking bodies, such results could undermine the efficacy and thoroughness of the entirety of a country’s transitional justice endeavour.

B. Justice

26. As in the case of civil and political rights, prosecuting individuals responsible for gross violations of economic, social and cultural rights is essential to ensure accountability and deter future abuses. As detailed above, crimes involving the rights

³⁵ Office of the United Nations High Commissioner for Human Rights, *Transitional Justice and Economic, Social and Cultural Rights* (United Nations publication, 2014), p. 19.

³⁶ See www.etan.org/etanpdf/2006/CAVR/Chega!-Report-Executive-Summary.pdf, pp. 80 and 83.

³⁷ See www.trcofliberia.org/resources/documents/trc-act.pdf, art. IV.

³⁸ See https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TruthJusticeandReconciliationCommissionAct_.pdf, art. 6.

³⁹ See www.waves.ca/public/justice-issues/TransitionalJustice&ReconciliationCommissionReport2016.pdf and www.ictj.org/sites/default/files/ICTJ_Report_Prevention_Philippines.pdf.

⁴⁰ Submission by the International Center for Transitional Justice.

⁴¹ Submission by Rachel Hatcher. See also Susanne Jonas, *Of Centaurs and Doves: Guatemala’s Peace Process* (Westview Press, 2000).

⁴² Mara Tignino, “The right to water and sanitation in post-conflict peacebuilding”, *Water International*, vol. 36, No. 2 (2011). See also www.unwomen.org/sites/default/files/2023-09/toward-victim-centred-change-integrating-transitional-justice-into-sustainable-peace-and-development-en.pdf.

to health, food and water must be addressed in order to serve both as a deterrent and means of redress in post-conflict or post-dictatorship reconstruction. Perpetrators should be held judicially accountable for corruption and the destruction of cultural heritage, as well as discrimination affecting the enjoyment of economic, social and cultural rights and the distribution of resources, for instance.

27. For example, the International Criminal Court convicted the former Congolese rebel leader, Germain Katanga, of war crimes for the pillage and theft of household items, food and livestock.⁴³ In the *Popović et al.* case, the International Criminal Tribunal for the Former Yugoslavia ruled that depriving detainees of food and water in order to force their displacement constituted cruel and inhuman acts that amounted to crimes against humanity.⁴⁴ In the *Brđanin* case, it found that the deliberate withholding of proper medical care, in addition to the denial of other fundamental rights, such as the rights to employment, freedom of movement and proper judicial process, amounted to persecution as a crime against humanity.⁴⁵ Furthermore, the International Criminal Tribunal for Rwanda convicted defendants of the crime against humanity of enslavement, and identified as genocide the conduct of subjecting a group of people to a subsistence regime, the systematic expulsion of people from their homes and the reduction of essential medical services below the minimum required, which, the Tribunal ruled, constituted conditions of existence calculated to bring about the group's physical destruction, in whole or in part.⁴⁶ Concerning cultural rights specifically, the International Criminal Tribunal for the Former Yugoslavia ruled in the *Dario Kordić and Mario Čerkez* case that the systematic destruction of religious buildings, a gross violation of cultural rights, constituted "a clear case of persecution as a crime against humanity".⁴⁷ In the *Radislav Krstić* case, the Tribunal found that the deliberate destruction of mosques and Muslim-owned property was considered evidence of genocidal intent in the legal assessment of the crime of genocide.⁴⁸

28. At the regional level, the African Commission on Human and Peoples' Rights examined the plight of the Ogoni people, whose water sources had been contaminated by toxic waste as a result of attacks perpetrated by both government and private actors. It found Nigeria in violation of the right to health and, implicitly, the right to water, as the environmental degradation had severe health impacts on the Ogoni people.⁴⁹ Similarly, in the *Plan de Sánchez Massacre* case, the Inter-American Court of Human Rights ordered Guatemala to implement specific development programmes "in addition to the public works financed by the national budget allocated to that region or municipality".⁵⁰ Those programmes, designed to address the systemic inequalities endured by the Indigenous Maya Achi community, included infrastructure

⁴³ *Prosecutor v. Germain Katanga*, Case No. ICC-01/04-01/07, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, Trial Chamber II.

⁴⁴ International Tribunal for the Former Yugoslavia, *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Judgment, 10 June 2010, Trial Chamber II.

⁴⁵ *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-T, Judgment, 1 September 2004, Trial Chamber II, paras. 1021, 1024 and 1046–1050.

⁴⁶ International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment, 2 September 1998, para. 506.

⁴⁷ International Tribunal for the Former Yugoslavia, *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-95-14/2-T, Judgment, 26 February 2001, para. 206.

⁴⁸ International Tribunal for the Former Yugoslavia, *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T, Judgment, 2 August 2001, para. 580.

⁴⁹ African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre and Centre for Economic and Social Rights v. Nigeria*, Communication No. 155/96, 2001.

⁵⁰ Inter-American Court of Human Rights, *Plan de Sánchez Massacre v. Guatemala*, Series C No. 105, Judgment, 19 November 2004, para. 110, concerning the massacre in 1982 of more than 268 Indigenous persons by the Guatemalan military and others, and the denial of justice for those crimes.

projects, such as sewage systems and potable water supplies, which are fundamental to the right to health and essential for realizing the right to water and sanitation.

29. Similar progress has occurred at the national level; for example, the Colombian Constitutional Court recognized the relation of the armed conflict to environmental destruction and the exploitation of natural resources in assessing increased illegal mining in the Atrato River basin, which the Court noted had adversely affected land rights, cultural rights and rights to a healthy environment, food, water and health, among other rights.⁵¹

30. These promising examples demonstrate the importance of accountability mechanisms, including criminal justice frameworks, in addressing all forms of human rights violations. They also show that justice is incomplete if it does not consider violations of economic, social and cultural rights. The elimination of impunity for gross violations of these rights is essential not only to establish comprehensive accountability, but also to prevent the recurrence of similar violations in the future.

C. Reparations

31. Reparations are essential to address the harm caused by human rights violations, to support victims' healing and to restore victims' dignity. Reparations designed to address violations of economic, social and cultural rights can be transformative and effectively address the underlying causes of violence if they are aimed at reversing structural inequalities and entrenched forms of discrimination and exclusion, thus helping to improve people's lives and opportunities and reducing social grievances and potential sources of violence. To be comprehensive and effective, reparations should take the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as established in international standards. In order to achieve their potential, it is critical that reparations address the intersecting forms of discrimination and marginalization suffered by persons or groups exposed to situations of vulnerability, such as children; women; members of the lesbian, gay, bisexual, transgender and intersex community; minorities; and Indigenous Peoples. For example, equal property rights must be granted to women and other populations who have previously had these rights restricted in order to ensure that they have full access to and can benefit from programmes granting different forms of compensation and land restitution.⁵²

32. Reparations for gross violations of economic, social and cultural rights may encompass comprehensive medical and psychosocial care, legal assistance, social programmes aimed at increasing access to housing, livelihood support, skills training, and employment and educational opportunities, among others. In other contexts, reparations may also include the restitution of land, the restoration of religious and cultural sites and even the redistribution of socioeconomic resources and societal roles.

33. Full reparations for violations of economic, social and cultural rights are often difficult to achieve. As a result, States that have transitioned from conflict or authoritarian rule have frequently prioritized rehabilitation services, such as medical and psychological care for survivors of torture and sexual violence, alongside social support programmes focused on education, employment and housing. A notable example is the national torture rehabilitation programme of Chile, which serves to provide holistic health interventions that address trauma resulting from torture.⁵³ In

⁵¹ Colombian Constitutional Court, *Centre for Social Justice Studies et al. v. Presidency of the Republic et al.*, Case No. T-622/16, Judgment, 10 November 2016, para. 9.35.

⁵² E/CN.4/Sub.2/2005/17, annex, art. 4.

⁵³ See www.irct.org/wp-content/uploads/2022/08/Briefing-note_Chile_2018.pdf.

Sierra Leone, transitional justice efforts have included shelter, resettlement and reintegration support for amputees, reflecting a broader commitment to restoring dignity and well-being to victims of conflict-related violations.⁵⁴ In Uganda, many women have formed or joined survivor-led support groups in order to share their experiences and provide emotional support to cope with trauma and stigma.⁵⁵ Similarly, in El Salvador, the University of El Salvador has facilitated the admittance of a significant number of family members of the victims of the El Mozote massacre into its programmes.⁵⁶ In Finland, in recognition of the harm inflicted through assimilation policies on older and younger generations of Sami people, a psychosocial rehabilitation unit has provided online support to community members nationwide.⁵⁷ The transitional justice strategy of Colombia has been focused on land restitution, although implementation challenges persist due to ongoing conflict in some parts of the country and the complex administrative and judicial frameworks for the registration and processing of requests from victims of displacement and land dispossession.⁵⁸ In Solomon Islands, reparations included education, housing and mental health services, but their implementation was reported to have been insufficient.⁵⁹

34. In other cases, however, incomplete or inadequate programmes aimed at redressing violations of economic, social and cultural rights have led to imperfect transitional justice outcomes. In South Africa, despite the post-apartheid reforms aimed at tackling poverty and discrimination, concerns remain regarding unequal access to education, unequal pay, segregated communities and massive economic disparities.⁶⁰ Tunisia attempted to address violations of economic, social and cultural rights through truth-seeking and reparation mandates, but economic crises and political instability have slowed down progress.⁶¹ In Bosnia and Herzegovina, despite the notable efforts to realize the right of victims to return to and restore their property, the lack of employment opportunities, a weak economic situation and difficulties in the post-war transition and reconstruction process have diminished the scope and scale of redress provided to victims.⁶²

35. The Special Rapporteur observes that reparations for violations of economic, social and cultural rights are often confined to collective reparation programmes facilitated through access to pre-existing social services. Although reparative measures should – and do – assist with the fulfilment of economic, social and cultural rights obligations, in order to be effective and comply with international standards, they should target the specific violations suffered and the victims harmed and should entail full acknowledgement of the responsibilities involved. Simply fulfilling pre-existing obligations cannot replace genuine reparative measures as part of transitional justice.

36. Relatedly, some scholars have expressed concern that reparations are often framed as generic social assistance, which perpetuates marginalization.⁶³ The Special Rapporteur considers that such approaches are more reminiscent of ordinary social policies rather than transitional justice policies in that they do not specifically benefit

⁵⁴ See www.fmreview.org/schanke.

⁵⁵ See www.ictj.org/news/effective-justice-women-northern-uganda.

⁵⁶ A/HRC/45/45/Add.2, para. 50.

⁵⁷ See www.ohchr.org/en/press-releases/2024/03/finland-must-address-legacy-human-rights-violations-against-sami-people-says.

⁵⁸ A/HRC/57/50/Add.1, para. 42.

⁵⁹ Nicole Dicker, “Aiding transitional justice in Solomon Islands”, *Buffalo Human Rights Law Review*, vol. 21 (2015).

⁶⁰ See www.ohchr.org/en/stories/2024/04/30-years-south-africa-still-dismantling-racism-and-apartheids-legacy.

⁶¹ Submission by the International Center for Transitional Justice.

⁶² See www.amnesty.org/fr/wp-content/uploads/2021/08/eur630012006en.pdf, p. 7.

⁶³ Submission by Asia Justice and Rights.

victims and therefore lose the symbolic importance that reparations should hold. As in the case of victims of civil and political rights violations, victims of socioeconomic rights violations must have access to individualized reparations for the harms suffered, with collective reparations serving as a supplementary remedy. Just as those who have been unjustly imprisoned must receive appropriate compensation for their arbitrary detention, victims of violations of economic, social and cultural rights must receive reparations that are tailored to their own experiences and needs. As some scholars have highlighted,⁶⁴ this individualized and distinct approach to reparations is also essential to avoid the risk of treating other vulnerable populations, who are not direct victims, as “second-class” citizens. If relegated to the back of the queue when attempting to gain access to social policies under purported reparative programmes, these populations may become disillusioned with transitional justice responses, which may inadvertently lead to the creation of new risks of division and tension.

37. Another similar challenge lies in the potential conflation of reparations with development policies. Although reparations may include development-oriented services, they must not replace them. It is critical to emphasize that reparations are not a substitute for development or social programmes that States are already expected to establish; nor can reparations be replaced by such policies. Rather, in order to redress past violations, existing responsibilities should be reviewed, complemented and supported under reparation programmes. Such programmes should be victim-centred and seek to address the specific harms suffered, rather than be diluted through broader development programmes. As stressed by the former mandate holder, development programmes and reparation measures may be undertaken concurrently but must not be subsumed into one another; instead, development programmes must be timed and sequenced to function in tandem with forms of reparation, such as compensation, restitution and satisfaction.⁶⁵

38. Some critics have expressed concern that, in certain contexts, reparations have been limited to the payment of financial compensation to victims or public apologies intended to acknowledge past wrongs.⁶⁶ While such measures are vital for recognizing and redressing the harm endured by victims, taken alone they can fail to respond to the underlying sociopolitical and ecological conditions that perpetuate injustice and vulnerability. In Canada, the Government’s apology and compensation to Indigenous families affected by the Indian residential school system, although significant, have been said to be inadequate in addressing the broader systemic issues of land dispossession and environmental harm.⁶⁷

39. Although some States may view reparations for violations of economic, social and cultural rights as complex or resource intensive, that view must not be used as a justification to limit reparations in ways that exclude or diminish such violations. Instead, States should adopt a creative and inclusive approach to reparations, including by mobilizing support from international partners and donors, where appropriate. As the examples in the present section illustrate, reparations must affirm the status of victims as rights holders, which is essential for individual and collective recovery, social integration and meaningful reconciliation.

⁶⁴ Submission by Felix E. Torre.

⁶⁵ [A/78/181](#), para. 86.

⁶⁶ Amar Jibi Ghimire, “Articulating the linkages between human rights and environmental rights: the perspective of transitional justice”, *National Judicial Academy Law Journal*, vol. 5 (2011).

⁶⁷ Colin Luoma, “Reckoning with conservation violence on Indigenous territories: possibilities and limitations of a transitional justice response”, *International Journal of Transitional Justice*, vol. 17, No. 1 (March 2023).

D. Memorialization

40. Memorialization in the context of serious human rights violations is vital in transitional justice processes and serves as a form of symbolic reparation by acknowledging victims and cultivating a shared memory of past abuses. Without memory, the rights to truth, justice and reparation will not be fully realized. In the context of economic, social and cultural rights violations, memorialization can take different forms, such as awareness campaigns, public memorials, public apologies, commemorative days, and a range of other methods aimed at remembering and acknowledging past infringements of those rights.

41. Memorialization can be a powerful tool for healing a society after mass human rights violations. It forms part of a holistic approach to transitional justice that includes other pillars such as truth-seeking and institutional reform. However, many memorialization processes fail to address violations of economic, social and cultural rights. Memorialization efforts must be thoughtful and comprehensive. Indeed, initiatives that exclude certain groups or fail to address the root causes of conflict can in fact be harmful and undermine efforts to achieve lasting peace and reconciliation. In many countries, memorial spaces have been more focused on remembering political events or memorializing the deaths of victims, without reflecting the socioeconomic injustices that led to the conflict or unrest. Damage to cultural heritage or violations of the cultural rights of Indigenous Peoples, including the exclusion of their histories and perspectives, have also often been overlooked or inadequately addressed as part of memorialization efforts.⁶⁸ By neglecting to reflect the full spectrum of harm, many memorial initiatives present a limited view of the past that obscures collective suffering, distorts historical understanding and risks perpetuating the inequalities that contributed to the violence or unrest.

42. Some efforts to include economic, social and cultural rights within memorialization initiatives are worth highlighting. For example, in El Salvador, the El Mozote development programme combines memorialization of the El Mozote massacre with development initiatives, including on the improvement of roads, access to water and electricity, and improved health and education services.⁶⁹ Other initiatives combine memorialization with education in order to address underlying social inequality and intolerance. In South Africa, the Western Cape Department of Education and two civil society organizations, Shikaya and Facing History and Ourselves, developed a teacher training programme aimed at guiding schoolteachers in using the study of history to teach pupils to become active, tolerant and responsible democratic citizens who value diversity, human rights and peace.⁷⁰ In Lebanon, the Badna Naaref (“We want to know”) project provided a space for dialogue about the country’s wartime experiences among different generations and involved a series of interviews with individuals who were young people during the 1975–1990 civil war.⁷¹ In Ukraine, the National Museum of the Holodomor Genocide runs educational programmes that serve to raise awareness of the need to cultivate the protection of human dignity and confront hatred and intolerance.⁷²

43. Some memorialization efforts have combined the restoration of cultural heritage damaged during conflict with remembrance of atrocity crimes. For example, during the Rwandan genocide, sacred sites, such as the church in Kibeho, were defaced and

⁶⁸ Submissions by Asia Justice and Rights, the Pusaka cultural organization and Franciscans International.

⁶⁹ Submission by El Salvador.

⁷⁰ See www.un.org/en/genocideprevention/documents/Joint-study-on-transitional-justice-and-atrocity-prevention-Summary-of-expert-meeting-discussions.pdf.

⁷¹ See www.ictj.org/news/badna-naaref-lebanon%E2%80%99s-online-wartime-diary.

⁷² See www.holodomormuseum.org.ua/en/about-the-museum.

used as locations for massacres. Today, the Kibeho site has been reconsecrated and serves as both an active place of worship and a memorial to genocide victims.⁷³ Such restored cultural heritage sites, which serve to memorialize past atrocities and cultural losses, can also attract public interest, thereby promoting local economic activity and investment.⁷⁴

44. However, as is the case of truth-seeking mechanisms, memorialization can also be weaponized in ways that perpetuate the harms that transitional justice seeks to address. For example, in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, where ethnic minorities such as the Tatars suffered severe displacement, cultural destruction and other social and economic rights violations, the occupying authorities of the Russian Federation are reportedly engaged in a campaign of memorialization to legitimize their military presence through “educational programmes reportedly focus[ed] on the history of Russia and on presenting Crimea as a historically Russian region, belying the Crimean Tatars’ rich legacy as the peninsula’s Indigenous People”.⁷⁵

45. In order to achieve its objectives, memorialization must be free from political instrumentalization. As the United Nations Educational, Scientific and Cultural Organization (UNESCO) has stressed in relation to memorialization initiatives aimed at addressing destruction or damage to cultural heritage, in the reconstruction of UNESCO world heritage sites – as in the case of any other memorialization action – due consideration must be given to “the intangible practices, beliefs and traditional knowledge which are essential for sustaining cultural values among local communities”.⁷⁶ Memorialization must be guided by the needs and perspectives of survivors, including historically marginalized groups and Indigenous Peoples, and must honour the dignity of those who suffered, foster inclusive dialogue and collective memory and build long-term reconciliation.

E. Guarantees of non-recurrence

46. Truth-seeking, justice, reparation and memorialization can help to address the root causes of conflict or repression and respond to gross violations of economic, social and cultural rights that are committed in those contexts. However, they are unlikely to alter fundamentally the structural situation of systemic discrimination, poverty and exclusion in which most victims find themselves, unless they are accompanied by the institutional, legal and policy reforms that fall under the pillar of guarantees of non-recurrence.

47. Preventing future violations of economic, social and cultural rights requires institutions to be reformed, perpetrating officials to be vetted, restrictive laws to be repealed or amended, school curricula and cultural policies to reflect human rights and democratic values, and institutional and policy measures to be adopted to ensure that those rights are protected and respected. As reiterated by some civil society organizations,⁷⁷ institutional and legal reforms should promote gender equality and

⁷³ Philippe Sands and Ashrutha Rai, “After the dust settles: transitional justice and identity in the aftermath of cultural destruction”, in *Cultural Heritage and Mass Atrocities*, James Cuno and Thomas G. Weiss, eds. (Getty Publications, 2022), pp. 343 and 346.

⁷⁴ Ibid.

⁷⁵ See <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aaeb4b>, p. 21.

⁷⁶ United Nations Educational, Scientific and Cultural Organization, “Warsaw recommendation on recovery and reconstruction of cultural heritage”, adopted at The Challenges of World Heritage Recovery – International Conference on Reconstruction, 2018, p. 4.

⁷⁷ Submission by the Peace Track Initiative.

guarantee women's rights and the meaningful participation of women in governance and decision-making processes. Others have called for anti-corruption efforts to prioritize transparency, accountability, citizen representation and a fair distribution of resources.⁷⁸

48. To date, however, institutional reforms have been focused largely on legislative reform that affects civil and political rights, security sector transformation and vetting. When it comes to economic, social and cultural rights, efforts have been more modest.

49. In Colombia, the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, reached in 2016, included environmental considerations in its provisions for rural reform and the substitution of illicit crops.⁷⁹ In South Africa, land restitution under the Restitution of Land Rights Act of 1994 was accompanied by broader institutional reforms aimed at addressing apartheid-era housing injustices. Although those programmes were aimed at balancing reparations with development, financial compensation was often given instead of land restoration, which some consider has undermined the transformative potential of the initiative.⁸⁰

50. In other contexts, guarantees of non-recurrence have been closely intertwined with memorialization efforts, particularly in the education sector. Such efforts have included formal partnerships between transitional justice institutions and the education sector; the creation of new teaching materials; engagement with students in order to build a shared understanding of the past; and the development of out-of-school learning sites, such as museums, memorials and sites of conscience.⁸¹ Reparation or assistance programmes in Colombia, Peru, Sierra Leone and Timor-Leste have included education as an individual or material benefit or as part of a package of social services. Such benefits can take the form of scholarships, reduced tuition fees, educational and housing assistance, stipends, fast-track programmes, psychosocial support and care facilities for students with children of their own (particularly in the case of girls and young women).⁸² The Truth and Reconciliation Commission in Peru identified the education sector as one of the key areas in need of reform.⁸³ The changes made to German school textbooks since the end of the Second World War are also well documented.⁸⁴

51. To prevent the recurrence of violence, institutional, legal and policy measures should serve the goals of peacebuilding, democratization, development and the promotion of human rights. It is thus necessary for reforms to pave the way for a revised legal and institutional framework that can contribute to the redress of socioeconomic and cultural injustices, while promoting positive measures aimed at

⁷⁸ See https://knowledgehub.transparency.org/assets/uploads/kproducts/PFM-guide_Final-draft.pdf, p. 18.

⁷⁹ Luisa Gómez-Betancur, "The rights of nature in the Colombian Amazon: examining challenges and opportunities in a transitional justice setting", *UCLA Journal of International Law and Foreign Affairs*, vol. 25, No. 1 (2020).

⁸⁰ See Ruth Hall, "Reconciling the past, present and future: the parameters and practices of land restitution in South Africa", in *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*, Cheryl Walker and others, eds. (Ohio University Press, 2010), p. 19.

⁸¹ See www.ictj.org/sites/default/files/Transitional_Justice_Legacy_Education.pdf.

⁸² Dyan Mazurana and Khristopher Carlson, "Reparations as a means for recognizing and addressing crimes and grave rights violations against girls and boys during situations of armed conflict and under authoritarian and dictatorial regimes", in *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Ruth Rubio-Marín, ed. (New York, Cambridge University Press, 2009), pp. 193 and 194.

⁸³ See www.cverdad.org.pe/ifinal/pdf/TOMO%20IX/2.1.%20REFORMAS%20INSTITUCIONALES.pdf, pp. 137 and 138.

⁸⁴ Julian Dierkes, "The trajectory of reconciliation through history education in post-unification Germany", in *Teaching the Violent Past: History Education and Reconciliation*, Elizabeth A. Cole, ed. (Bloomsbury Publishing, 2007).

contributing to the realization of those rights and achieving lasting peace. In addition, such reforms must be specifically tailored to the context in order to address the root causes of violence, which may mean implementing sweeping structural changes to the control and distribution of a country's resources and wealth in contexts where corruption and mismanagement of financial and natural resources have fuelled violence.⁸⁵

IV. Integrating economic, social and cultural rights into transitional justice: key considerations for inclusive and effective processes

52. By increasing their focus on economic, social and cultural rights, transitional justice actors have an opportunity to comprehensively address past abuses, serve justice and achieve lasting peace, in line with international standards. The Special Rapporteur outlines four key considerations that States should take into account when negotiating, designing and implementing transitional justice processes.

53. First, States should ensure that gross violations of economic, social and cultural rights are addressed as part of transitional justice processes. As in the case of violations of civil and political rights, widespread or systematic violations of economic, social and cultural rights must be included in transitional justice initiatives. Transitional justice mechanisms should therefore examine issues such as the destruction of property, including housing, schools and hospitals; forced evictions; the denial of access to basic necessities, such as healthcare, water and food; the destruction of cultural practices and heritage; and the destruction of the environment. They should also address the illegal diversion of existing resources, the weaponization of socioeconomic conditions, systematic corruption and the capture of State institutions for personal gain – all of which hinder people's access to their economic, social and cultural rights and prevent the State from discharging its obligation to maximize its available resources in order to achieve the full realization of those rights.

54. Second, gross violations of economic, social and cultural rights should be identified, acknowledged, analysed and documented by truth commissions and other truth-seeking mechanisms. To ensure their efficiency, these bodies must be given the mandate, capacity and resources required for the fulfilment of their tasks. Truth-seeking mechanisms should be strengthened to actively reach out to and document the testimonies of those who are disproportionately affected by economic, social and cultural rights violations, such as persons or groups exposed to situations of vulnerability or marginalization, ethnic minorities, Indigenous Peoples, women and children.

55. Third, a victim-centred approach should form the foundation of all transitional justice efforts, not only because redressing harm is a core objective, but also because sustainable peace is unattainable without full, meaningful and effective victim participation. Narrowly focusing on civil and political rights, without addressing the broader spectrum of harm, is unlikely to meet the needs or demands of victims seeking guarantees of non-repetition. Given that human rights violations are often compounded by intersecting forms of inequality and discrimination, including on the basis of gender, age, ethnicity, religion, disability and migration or refugee status, victim participation must be inclusive and responsive to these intersecting identities.

⁸⁵ See https://knowledgehub.transparency.org/assets/uploads/helpdesk/355_Lessons_learned_in_fighting_corruption_in_post-conflict_countries.pdf.

56. Lastly, beyond ensuring a victim-centred, gender-sensitive approach, transitional justice processes must adopt a multisectoral approach. Effective coordination and information exchange between transitional justice practitioners and experts in social welfare, economic policy, education and health services and related fields should be established from the earliest stages. Engaging professionals, such as economists, doctors, psychologists, environmental scientists, public health researchers, aid workers and human rights defenders working on relevant topics, such as land rights and business and human rights, is essential. These experts bring critical knowledge that allows them to assess alleged gross violations of economic, social and cultural rights and to propose appropriate remedies to transitional justice bodies. Transitional justice efforts should also involve controllers and tax authorities in order to support judicial proceedings, policymaking and institutional or legal reforms. Such multisectoral collaboration is particularly important for identifying and addressing abuses committed by corporate actors (whether directly or indirectly), as contemplated in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.

V. Conclusion and recommendations

57. **All human rights – whether civil and political, or economic, social and cultural – are inherently interlinked, interdependent and indivisible. The protection and fulfilment of economic, social and cultural rights is not merely aspirational; it constitutes a fundamental international legal obligation of States. In the aftermath of systematic violence and gross human rights violations, it is therefore imperative that transitional justice processes address violations of economic, social and cultural rights alongside those of civil and political rights.**

58. **In recent years, there has been a growing shift in the global approach to transitional justice, recognizing that transformative changes require addressing both the immediate harms and the structural conditions that enable gross human rights violations to occur. Although some truth and justice mechanisms have made remarkable progress in that regard – which the Special Rapporteur commends – much more needs to be done.**

59. **The Special Rapporteur recognizes the challenges linked to the integration of economic, social and cultural rights into transitional justice processes but underlines that the complexity must not serve as an excuse for excluding them. Wherever relevant, he urges States, donors and other stakeholders to provide transitional societies with both political and financial support to assist in the implementation of reforms in this field. Conversely, he underlines that broadening the scope of transitional justice to include violations of economic, social and cultural rights should not lead to violations of civil and political rights being ignored or relegated.⁸⁶ Only a holistic approach that addresses all human rights violations can effectively confront the root causes and consequences of violence and lay the foundations for sustainable peace.**

60. **The Special Rapporteur reaffirms that the perspectives and needs of those most affected must be prioritized as part of holistic, inclusive and structural transformation. The timely and informed integration of economic, social and cultural rights, grounded in States’ legal obligations and responsive to the needs of victims, is essential for the success of transitional justice processes. He reiterates that the meaningful participation of victims, as well as that of civil**

⁸⁶ Marcos Zunino, *Justice Framed: A Genealogy of Transitional Justice* (Cambridge, Cambridge University Press, 2019), p. 237.

society, is critical throughout the process. Only when victims and marginalized communities are fully engaged can cycles of violence be broken.

61. The Special Rapporteur recommends that States:

(a) Reform and strengthen legal frameworks to guarantee the realization of economic, social and cultural rights, in compliance with the International Covenant on Economic, Social and Cultural Rights and other international instruments;

(b) Put in place appropriate oversight mechanisms to enforce economic, social and cultural rights;

(c) Enact and enforce appropriate legislation to ensure criminal and civil liability for systemic violations of economic, social and cultural rights;

(d) Where appropriate and relevant, vet officials involved in violations that affect economic, social and cultural rights, such as corruption and the undue exploitation of natural resources;

(e) Establish truth-seeking mechanisms with mandates to investigate, analyse and document gross violations of economic, social and cultural rights, alongside civil and political rights;

(f) Provide truth-seeking mechanisms with adequate political support, as well as financial and human resources, to analyse the root causes of violence, including systemic inequalities and the deprivation of economic, social and cultural rights;

(g) Ensure that truth-seeking mechanisms, as well as judicial bodies, benefit from expertise, knowledge and up-to-date information from experts across relevant fields, including economists and social science experts;

(h) Ensure that the investigation and prosecution of individuals responsible for gross human rights violations, including of economic, social and cultural rights, are carried out in a prompt, thorough, impartial and effective manner;

(i) Provide effective, comprehensive and transformative reparations for victims of gross violations of economic, social and cultural rights, including in terms of medical care, psychosocial rehabilitation, access to education, housing, food and sources of livelihood, property rights and social security, and ensure that reparations are tailored to the specific needs of victims and remain distinct from general welfare services provided by the State;

(j) Ensure that transitional justice processes are inclusive and consider the needs and perspectives of victims, including persons or groups exposed to situations of vulnerability, including women;

(k) Facilitate the participation of victims and members of historically marginalized communities in the design and implementation of all transitional justice measures to ensure that their needs and priorities are appropriately addressed, especially as they pertain to different groups' and individuals' intersecting identities and vulnerabilities;

(l) Design and implement awareness campaigns on gross violations of economic, social and cultural rights, including through public memorials or commemorative days, to highlight the adverse impact of those violations on those concerned;

(m) **Commit financial and human resources to the documentation and study of the historical violation of economic, social and cultural rights, including through colonialism and slavery, and how those violations influence the current socioeconomic and cultural experience of historically marginalized groups;**

(n) **Fully support civil society, human rights and victims' organizations that work on economic, social and cultural rights issues;**

(o) **Collaborate with international human rights bodies and mechanisms in order to enable them to assist States in meeting their economic, social and cultural rights obligations;**

(p) **Ensure that businesses and other relevant non-State actors respect international human rights norms, conduct due diligence to identify and assess the human rights risks associated with their activities, and provide for remedies in cases abuse, in line with the Guiding Principles on Business and Human Rights.**
