



**OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS**



**Human rights and transitional justice**

**Human Rights Resolution 2005/70**

*The Commission on Human Rights,*

*Reaffirming* the Universal Declaration of Human Rights and other existing international instruments,

*Bearing in mind* the relevant provisions contained in previous resolutions of the General Assembly and the Commission, in particular in its resolution 2004/72 of 21 April 2004 on impunity,

*Taking note* of the report of the Panel on United Nations Peace Operations (A/55/305-S/200/809), in particular its recommendations concerning the Office of the United Nations High Commissioner for Human Rights, as well as the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including relevant recommendations contained therein,

*Welcoming* the activities of the United Nations, including through its field presences, in assisting States to establish transitional justice mechanisms and promote the rule of law,

*Welcoming also* the increased integration of a human rights perspective, including through activities of the Office of the High Commissioner for Human Rights in cooperation with other relevant parts of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner for Human Rights and her Office, including its Rule of Law and Democracy Unit,

*Underlining* the importance and urgency of national and international efforts to restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional process, and emphasizing the importance of the full range of political, judicial and non-judicial mechanisms in order to ensure accessibility and accountability and to serve justice, promote and achieve reconciliation and to restore confidence in the institutions of the State, in accordance with international human rights standards and the principle of non-discrimination,

*Emphasizing* that justice, peace, democracy and development are mutually reinforcing imperatives,

*Stressing* that the full range of civil, cultural, economic, political and social rights shall

be taken into account in any transitional justice context,

*Stressing also* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and in conformity with international human rights standards,

*Recognizing* the important role played in the realization of transitional justice goals and in the reconstruction of the society by:

(a) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(b) Women's organizations in the design and establishment of transitional justice mechanisms, so that women are represented in their structures and that a gender perspective and women's concerns are reflected in their mandates;

(c) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally,

*Emphasizing* the need to provide gender-sensitive training in the context of transitional justice to all relevant national actors, including police, prosecution and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls,

*Underlining* the need for the rights of both victims and accused persons to be respected, in accordance with international standards, with particular attention to groups most affected by conflicts and the breakdown of the rule of law, among them women, children, migrants, refugees, persons with disabilities and persons belonging to minorities, and to ensure that specific measures are taken for their free participation and protection as well as for the sustainable return of refugees and internally displaced persons in safety and dignity,

1. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including by cooperating fully with United Nations field presences in the area of human rights and transitional justice as well as by facilitating the work of relevant special procedures;

2. *Also calls upon* the international community and regional organizations to assist countries in the context of transitional justice to ensure the promotion and protection of international human rights;

3. *Requests* the Office of the High Commissioner to enhance its leading role in

assisting States to develop and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and other relevant parts of the United Nations as well as other international and non-governmental organizations with regard to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

4. *Also requests* the Office of the High Commissioner to submit, in consultation with other parts of the United Nations system, civil society and other stakeholders, a study on human rights and transitional justice activities undertaken by the human rights components of the United Nations that would include an analysis of the work accomplished, a compilation of lessons learned and best practices as well as conclusions and recommendations, with a view to assisting countries in the context of transitional justice;

5. *Requests* other parts of the United Nations system to cooperate fully with the Office of the High Commissioner in the area of human rights and transitional justice;

6. *Decides* to continue its consideration of this matter at its sixty-second session under the same agenda item.

59th meeting  
20 April 2005

*[Adopted without a vote. See chap. XVII, E/CN.4/2005/L.10/Add.17]*