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## **Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence**

### **Follow up report on country visits**

#### **Concept Note**

Since the establishment of the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in Resolution 18/7 of the Human Rights Council, country visits have been undertaken at the invitation of States to examine the transitional justice measures that have been taken to address gross violations of human rights and serious violations of international humanitarian law, to identify gaps and challenges, and to make recommendations thereon.

Through an upcoming follow-up report to be presented at the 48th session of the Human Rights Council in September 2021, the Special Rapporteur will study the extent to which recommendations made pursuant to selected country visits have been implemented, and consider any other developments connected to the promotion of truth, justice, reparation and guarantees of non-recurrence that may have taken place since the visit.

Six country visits have been selected, based on the following considerations:

- Has a reasonable amount of time elapsed since the visit to allow steps to be taken to implement recommendations made?
- Does information received by the Special Rapporteur suggest existing or continuing concerns connected to the promotion of truth, justice, reparation or and guarantees of non-recurrence? Is this reflected in communications sent by the Special Rapporteur, either alone or together with other mandate holders?
- Have any exceptional events with implications for the promotion of truth, justice, reparation and guarantees of non-recurrence for gross violations of human rights and humanitarian law taken place in the country since the visit of the mandate holder?

The mandate holder has prepared questionnaires for States and other relevant actors, including UN agencies, funds and programmes and international and national human rights organizations, to gather inputs to inform the report.

The follow-up report aims at shedding a broad light on country visits undertaken by the mandate, enabling conclusions to be drawn about the impact of those visits as well as the manner in which the recommendations made by the Special Rapporteur have been taken up by stakeholders, and implemented by authorities and other relevant actors. A further aim is to reopen dialogue with relevant actors within the selected countries for the purpose of further promoting the adoption of a comprehensive transitional justice process in compliance with international standards.

**Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence**

**Follow up report on country visits**

**Questionnaire**

**United Kingdom of Great Britain and Northern Ireland**

Recommendations to the Government and relevant State bodies ([A/HRC/34/62/Add.1](#))

At the time of the final report, the new institutional set-up to address the legacy of the Troubles had been outlined in the Stormont House Agreement. It comprised an independent Historical Investigations Unit; an Independent Commission on Information Retrieval; an Oral History Archive; and an Implementation and Reconciliation Group. With regards to these institutions,

- Has the Historical Investigations Unit been granted independence, access to information and adequate funding to avoid problems of earlier mechanisms?
- Has the Implementation and Reconciliation Group been designed, staffed, funded and authorized to address the patterns, themes and structural dimensions of a conflict that cannot be properly understood or addressed as the sum of isolated cases?
- Regarding the Oral History Archive, have issues of its independence and modalities of support to guarantee access and preservation of people's testimony been resolved?
- Have links been established between the different elements of these institutions, such as their timeline, so that they can work as a coordinated whole?
- Have measures been put in place to ensure that these institutions deliver results necessary for accounting for and redressing the past?

(See: A/HRC/34/62/Add.1 para 115-121)

Limit: 1,000 words

Has the shortfall in data on virtually all aspects relating to truth, justice and reparation been addressed? For example, lack of data informing assessments of costs, distribution of efforts and effectiveness in each area of the mandate.

(See: A/HRC/34/62/Add.1 para 123)

Limit: 500 words

Has the proposal made by the Lord Chief Justice of Northern Ireland to improve the efficacy of coroner inquests been supported?

(See: A/HRC/34/62/Add.1 para 124)

Limit: 500 words

Has the structural and systemic dimensions of violence and rights violations and abuses been examined? Keeping in mind that, a comprehensive understanding of the past requires instruments that do not treat it merely as a series of unconnected events.

(See: A/HRC/34/62/Add.1 para 125)

Limit: 500 words

Have truth, justice and reparation initiatives expanded their focus beyond cases leading to death to address violations and abuses such as torture, sexual harm, disappearances and illegal detention?

(See: A/HRC/34/62/Add.1 para 126)

Limit: 500 words

Are truth seeking and justice arrangements incorporating procedures to guarantee both the reality and appearance of independence and impartiality? Are they being funded in a reliable way that guarantees independence and effectiveness, and allows for long-term planning?

(See: A/HRC/34/62/Add.1 para 127)

Limit: 500 words

In his report, the Special Rapporteur stressed that adjudicating issues concerning disclosure is central to the credibility of truth and justice initiatives. To this end,

- Has the use of “national security” as a blanket term been avoided in order to make transparent past practices that were, retrospectively, illegal under national and international law and of dubious effectiveness in furthering security?
- Has the Government worked with academic and non-governmental experts to devise an approach that makes disclosure practices human rights and constitutionally compliant?

(See: A/HRC/34/62/Add.1 para 128)

Limit: 500 words

When national security has been served within the limits of the law, is it allowing for adequate means of comprehensive redress in cases of breach of obligations?

(See: A/HRC/34/62/Add.1 para 129)

Limit: 500 words

On reparations, has the issue concerning pensions for almost 500 seriously injured victims been resolved?

(See: A/HRC/34/62/Add.1 para 130)

Limit: 500 words

Have discriminatory barriers to reintegrate demobilized persons been eliminated, as recommended by the Fresh Start Panel? (i.e. legislative and other discriminatory barriers that prevent former prisoners from having their full citizenship restored- such as access to employment opportunities, and restrictions on pensions and eligibility for home insurance or bank loans).

(See: A/HRC/34/62/Add.1 para 131)

Limit: 500 words

Has support to organizations that make an effort building bridges between communities and victims' groups increased?

(See: A/HRC/34/62/Add.1 para 132)

Limit: 500 words

Have civil society organizations in general and non-governmental organizations in particular considered whether continued focus on particular groups of victims should not, decades after the end of the conflict, give way to a focus on all victims, regardless of their affiliation or identity, in order to depoliticize support for victims?

(See: A/HRC/34/62/Add.1 para 133)

Limit: 500 words

Has a general policy supporting memorials been agreed that could raise support for such activities; incentivize the establishment of memorials that would foster mutual understanding, or at least prevent the instrumentalization of memory; complement and stimulate other forms of truth-telling; and guarantee the involvement of and participation by victims in all memorialization activities?

(See: A/HRC/34/62/Add.1 para 134)

Limit: 500 words

Have all stakeholders re-engaged in adopting a bill of rights for Northern Ireland?

(See: A/HRC/34/62/Add.1 para 135)

Limit: 500 words

Have policy instruments been enacted to remove exclusionary barriers, reduce inequalities and minimize poverty? Such measures are essential for non-recurrence.

(See: A/HRC/34/62/Add.1 para 136)

Limit: 500 words

Have any further laws, regulations, policies, administrative decisions or other measures affecting the promotion of truth, justice, reparation and guarantees of non-recurrence been implemented following the Special Rapporteur's visit?

Limit: 1,000 words

Is there any relevant additional information you would wish to add?

Limit: 1000 words

