**The Role of National Human Rights in Reconciliation and Guarantee of Non-recurrence**

**By Mohamed Suma**

This presentation will focus mainly of the role national human rights institutions in reconciliation and ensuring non-recurrence of violent conflicts and repressive human rights regimes. Specifically, I will highlight the role of the National Human Rights Commission of Sierra Leone and its role in the Transitional Justice processes in the post-conflict era.

1. **Introduction**

In 1993, the UN General Assembly adopted the Paris Principles in its Resolution 48/134. These principles govern the status and functioning of independent national human rights institutions (NHRIs). By virtue of Principle 3(b), NHRIs shall ensure the effective implementation of international human rights standards and work to ensure that national legislation, regulations and practices conform to the fundamental principles of human rights 3(a) i. NHRIs shall protect and promote universal respect for and observance of human rights and fundamental freedoms.

Human rights monitoring is one of the core functions of the NHRIs, the others being promotion, protection, and also providing support to victims of human rights violations. Suffice it to say that NHRIs are part of the state institutions, however, international human rights instruments are directed mainly at the state. Therefore, the NHRIs are mandated to monitor and advise the state to comply with the ratification and implementation of those instruments.

The Paris Principles-compliant NHRIs typically have a legal mandate, which can be formulated into six main functions or services as follows:

1. Advise parliament, government and other bodies on human rights issues;
2. Monitor the human rights situation and provide evaluation of policies and their impact on human rights;
3. Support victims of human rights violations, specifically in relation to cases regarding discrimination based on race and ethnicity;
4. Research on human rights;
5. Education on human rights;
6. Communication on human rights in order to raise awareness, provide information and address public opinion.
7. **NHRIs Role to Deal with Conflict Related Human Rights Abuses**

NHRIs play the role in preventing, protecting and assuring non-repetition o f violations. However, the role is not specifically defined in any international instrument except some relevant references available in some international conventions like ICERD, ICCPR, OPCAT, and CRPD.

In any case, as a part of the national human rights protection system NHRIs have been dealing with those cases at the country level and within the scope of the general mandate of protection and promotion of human rights. In a post conflict context, some countries‘s peace agreements entail specific role for NHRIs. The main aim of involving the NHRIs is to contribute to the ending of impunity of the human rights abuses committed during the conflict period. It often plays the critical role of serving as the constructive non-violent conflict management system that creates a platform for individual and groups to express their discontent and raise issues related to violation of their rights in order to bring about the desired changes. The NHRI can perform these critical roles in both conflict situations.

* 1. NHRIs Role During Conflict

It is prudent for NHRI to recalibrate its focus and priorities during conflict to ensure that it did not fulfill its core function of protection, but will also contribute to peace building and resolving conflict. The adopted functions could include promoting dialogue between belligerents; promoting the establishment or strengthening of mechanisms for peace building; and encouraging to deal with the underlying causes of conflict; and preventing escalation of the conflict or their impacts. These measures include:

* **Prevention as to the causes and consequences of conflict:**

Prevent any potential conflict by facilitating to address all the factors either that cause or trigger the conflict. Promoting human rights that regime could prevent potential conflict. This can be achieved through monitoring and documentation, fact finding mission, investigations, and publication of the findings.

* **Protection from the mass abuses:**

NHRI may complement the judicial implementation of human rights. Sou-motto action (on their own initiative), launch a platform to receive complaints, investigate and adjudicate human rights violations and bring action to protect human rights.

* **Support to and facilitation of the peace process:**

NHRI could promote the efforts of having dialogue between the conflicting parties; promote mechanisms for peace building efforts at the community level. It could play the role as impartial interface between the fighting factions and facilitate dialogue and conflict resolution.

* 1. **NHRIs in the Post-Conflict Period**

In accordance with the Paris Principles, many countries have established National Human Rights Institutions. Some of these institutions are established before conflict, while a host of them were established as part of the post conflict accountability and reconciliation mechanism. Be that as it may, it does not diminish the role that they can play as the mechanism for preventing future occurrence of human rights violations or restoring respect of human rights and social harmony in the post-conflict context.

This role include the following:

* **Monitoring the peace agreement and carry out promotional activities:**  In order to carry out regular monitoring, NHRIs role may be specified in the peace agreement. It is particularly important in the situation where there is mistrust between the conflicting parties.
* **Post conflict rehabilitation:** NHRIs may support the post conflict reconciliation process including rehabilitation of displaced people, reintegration of ex-combatants, promoting an environment for cohesiveness and togetherness etc.
* **Archiving and providing documentary evidences:** This particular role is built on the NHRIs functions during conflict period, which include: monitoring and reporting; investigation; complaints handling; information fathering; documentation and archiving. It is also related to cooperation with national, regional, hybrid or international judicial mechanisms that they would require the documentary evidences to proceed with criminal persecution of suspects of serious human rights violations.

1. **NHRIs Role Related to Transitional Justice Processes**

Many peace agreements or the enabling legislation often expressly provide specific roles for NHRIs regarding the country’s transitional justice processes. These measures are amply discussed in the OHCHR manual and they include roles in truth seeking, prosecution of perpetrators, reparation to victims, vetting and institutional reform. The role of NHRIs to ensure accountability, effective social reintegration, and reparation to conflict victims during the transition period are directly relevant to ending impunity. The National Human Rights Council, for example was asked by the truth and dignity commission to play key role in the implementation of the recommendation of its recommendations including on memory and collective reparations. Generally, the role NHRIs on TJ include:

* Supporting to establish accountability:
* This measure included establishing an accountability mechanism, developing a knowledge management system to document past abuses, or to support other truth-seeking/ truth-telling mechanism.
* It also include developing a plan or programs to review and comment on enabling legislation for a truth and reconciliation commission special court or reparation program, creating, capacity to advise on Institutional reforms.
* It could also contribute to the TJ processes through information gathering, documenting, and archiving, of the human rights abuses, conducting investigations and monitoring, cooperating with the specialized mechanisms and providing assistance to victims.
* Performing the tasks assigned in Peace Agreements:

NHRIs may have been assigned special role in the peace processes. It is important for the NHRI to fulfill its roles such as in promoting and protecting human rights during the transition.

* Promoting and protecting victims’ rights and execution of the TRC reports:

It can play critical role to:

* Outreach and public information on the various TJ mechanisms.
* Advocating for the process to be victims centered and ensuring the participation of vulnerable groups such as women, children and youth.
* Provide support for the establishment and implementations of TJ mechanism and following up on the recommendation of various TJ initiatives.

With regards the last question of monitoring the implementation of the TRC’s recommendation, I will now briefly discuss the Sierra Leone National Human Rights Commission as a case study.

1. **The Sierra Leone National Human Rights Commission**

* Established in the post conflict context by virtue of the TRC recommendations.
* Conduct monitoring role and produce annual report on the progress of the implementation of the TRC recommendations.
* Stocktaking of the implementation of the TRC recommendations with government institutions.
* Hosting national conferences to promote the implementation of the TRC recommendations, review the state of affairs and identify areas of improvement.
* Integrate human rights components in post-conflict reform mechanisms and issues such as the justice and security sector.