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Denialism, negationism and revisionism of serious violations of human rights and humanitarian law in transitional justice contexts

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 addresses the issue of denialism, negationism and revisionism of serious violations of human rights and humanitarian law in transitional justice contexts. He examines the challenges and consequences posed by these phenomena in the light of international human rights norms and standards, explores a number of key themes that shape the contemporary intersection between denialism and transitional justice, and presents some possible human rights-compliant measures to counter them. He concludes with a set of recommendations addressed to States and other stakeholders.

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I. Introduction

1. The present report is submitted by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to the Human Rights Council pursuant to Council resolution 54/8. In the report, he addresses the challenges of denialism, negationism and revisionism of serious violations of human rights and humanitarian law in transitional justice contexts.

2. The Special Rapporteur held an open consultation with States, international organizations, national human rights institutions and non-governmental organizations to inform the report and convened an expert meeting on the topic.[1] He thanks respondents to the questionnaire for their submissions and the participants in the expert meeting for their contributions.[2]

II. Activities undertaken by the Special Rapporteur

3. During the reporting period, the Special Rapporteur has participated in over 50 events organized by States, civil society organizations and the academic sector, both online and in person, through which he promoted international standards in the areas of truth, justice, reparation and guarantees of non-recurrence. He also transmitted a total of 31 communications and issued several press releases and statements related to his mandate.

4. Requests for invitations to carry out country visits were made to Hungary, Sierra Leone, Timor-Leste and Uganda. Responses to previous requests are still expected from several countries.[3] The Special Rapporteur calls upon States to respond promptly to visit requests to ensure that the visits are carried out in a timely manner.

5. Regrettably, the Special Rapporteur was informed by the Government of Nepal that he would not be able to undertake the country visit on the scheduled dates in June 2026 because, at the time, the Commissioners of the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons had yet to be appointed. He remains committed to conducting the visit and hopes to do so at the earliest opportunity.

III. General considerations

6. In the present report, the Special Rapporteur examines the serious challenges posed by denialism, negationism and revisionism of serious violations of human rights and humanitarian law in transitional justice contexts. He aims to offer a perspective on the complex issues raised by denialist practices and to provide guidance on how to anticipate, prevent and effectively respond to these phenomena, as well as how to mitigate their destabilizing and harmful effects on the durability of transitional justice processes and the prospects for non-recurrence.

7. The notions of denialism, negationism and revisionism are closely related and often used interchangeably by authorities, practitioners, academics and other actors. The Special Rapporteur provides below an overview of the most common uses for and understandings of each term.

8. Denialism of serious violations of human rights or humanitarian law can take a number of forms. These may include: (a) literal denial, where the reality of such violations are flatly denied; (b) interpretive denial, where the asserted facts are conceded but their

[1] See https://www.ohchr.org/en/calls-for-input/2026/call-inputs-challenges-denial-negationism-and-revisionism-serious-violations.

[2] The Special Rapporteur is grateful to Kieran McEvoy, Ron Dudai and Alana Travers from Queen's University Belfast for their research, as well as to the students of the Transnational Justice Clinic at McGill University and those of the Geneva Graduate Institute.

[3] See https://www.ohchr.org/en/special-procedures/sr-truth-justice-reparation-and-non-recurrence/country-visits.

interpretation as human rights or humanitarian law violations is denied; and (c) implicatory denial, where the infliction of suffering is accepted but its implications are denied.[4]

9. Negationism may involve all those three forms of denial. Originally linked in particular to politically motivated attempts to deny the facts of the Holocaust as established by the Nuremberg Tribunal,[5] the term is now often associated more broadly with analogous efforts elsewhere, including the denial of genocide in Rwanda and the former Yugoslavia, as well as the denial of other international crimes.[6]

10. Revisionism, as defined by a former holder of the mandate of Special Rapporteur in the field of cultural rights, is understood as the intentional, tendentious and politically orchestrated changes of the images of the past impervious to evidence, and includes fabricating historical facts and highlighting and decontextualizing facts that confirm the desired narrative while omitting those that question it.[7]

11. For the purposes of the present report, revisionism does not mean the legitimate effort to reinvestigate orthodox accounts of the past through, for example, research of newly available information, exploration of new archives or interviews with witnesses and victims previously unheard. Rather, it refers here to deliberate attempts to undermine comprehensive accounts of past violations as legally established by courts or truth commissions concerning serious human rights or humanitarian law violations, including through selectivity, obfuscation or the undermining of facts.[8]

12. The current report utilizes the term denialism as an umbrella concept encompassing denialist, negationist and revisionist practices, policies and laws aimed at minimizing, revising, undermining or denying the truth about past serious violations of human rights and humanitarian law and the outcome of transitional justice processes established to address them. In compliance with international standards in the field of transitional justice, truth is understood as the inalienable right of victims, their families and society to accurate, comprehensive, documented, preserved and publicly available accounts of past serious human rights violations, including the circumstances, causes, patterns, consequences, responsibilities involved and the fate and whereabouts of the victims, as established by independent, impartial and effective processes of accountability and/or transitional justice in full consultation with victims and their families.

13. Denialism of serious violations can take various forms, from blocking and repressing accurate information about past harms to the justification, rationalization, relativization, trivialization and banalization of serious injustices, crimes and wrongdoing.[9] Organized denial of violations has long been a feature of repressive regimes, and indeed many transitional justice mechanisms have emerged with the aim of countering such denial with accurate and documented accounts of the past. Enforced disappearances are an emblematic example of denial of a crime "built-in" in the operation of repressive regimes, and how truth-seeking entities and other transitional justice mechanisms have countered the narrative by clarifying the fate and whereabouts of persons subjected to enforced disappearances and establishing the truth about those crimes.[10]

14. More recently, denialism has been promoted by State officials, politicians and groups to propagandize intolerant and divisive messages, attack opposition and human rights defenders and undermine democratic institutions and civic space. One of the most pervasive forms of denial has been the rise of "post-truth" populism, which entails a fusion of populist politics with the erosion of factual authority. It involves a shift away from the notion of

[4] Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Polity Press, 2001).
[5] Henri Rousso, *The Vichy Syndrome: History and Memory in France since 1944* (Harvard University Press, 1991).
[6] Patrycja Grzebyk, ed., *Responsibility for Negation of International Crimes* (Instytut Wymiaru Sprawiedliwości, 2020).
[7] A/68/296, para. 22.
[8] Michael Shermer and Alex Grobman, *Denying History* (University of California Press, 2000).
[9] Richard Hovannisian, "Denial of the Armenian genocide in comparison with Holocaust denial", in *Remembrance and Denial: The Case of the Armenian Genocide* (Wayne State University Press, 1999).
[10] See https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/200.asp.

"truth" as the foundation for deliberation, accountability and evidence-based decision-making, and its substitution with emotionally charged narratives, identity affirmation and political and social polarization.[11] Post-truth populisms propose a politically convenient, simplistic and narrow narrative of the past rather than one based on facts, in all their complexity and sophistication. Thus, they often entail a systemic, organized and sustained effort to undermine the truth about past serious violations as established by transitional justice processes, including criminal accountability, truth commissions, reparations and acknowledgement, supplanting such authoritative versions of history with narratives that serve their political or other ideological agenda.

15. The consequences of these new forms of denialism in the era of post-truth populism are augmented by recent technological, cultural, social and political developments including the rise of social media, digital technologies, artificial intelligence systems and the sustained promotion and monetization of conspiracy theories designed to disrupt established facts about past events and related human rights violations to suit a broader social or political purpose.

IV. Compliance with international standards

16. In accordance with the well-established international legal standards that underpin the five pillars of transitional justice, States have obligations to ensure truth, justice, reparation, memorialization and guarantees of non-recurrence of past violations. To comply effectively with these obligations, States must adopt measures in line with the principles of non-discrimination, incorporate a gender perspective, adopt a victim-centred approach, and aim to tackle the root causes of grave human rights violations.[12] However, across numerous national contexts, contemporary forms of denialism constitute a significant threat to transitional justice processes, weakening efforts under all five pillars, entailing widespread violations of related obligations and undermining long-term sustainability.

17. First, denialism can interfere with the right of victims and society to know the truth about past violations, as denialist practices often involve deliberate lies about past crimes, suppression or manipulation of historical facts, distortion of information about existing archives and evidence, delegitimization of truth-seeking efforts, revisionism of the findings of truth-seeking mechanisms and dismissal of victims' narratives. This prevents the consolidation of a shared and accurate record of the past, in violation of the obligation of States to seek and elucidate the truth about past serious human rights violations and the inalienable rights of victims to know the circumstances and responsibilities involved in the commission of those crimes.

18. Second, denialism can limit the right of victims to justice and obstruct accountability, including by undermining the legitimacy of criminal probes, criticizing and interfering with the proper functioning of courts, misrepresenting the existence of archives and evidence relevant for criminal proceedings, negating responsibility established by national and international tribunals and denying victims' lawful status, thus violating States' obligation to investigate, prosecute and sanction human rights violations, as well as to guarantee victims' right to an effective remedy and to judicial protection.

19. Third, denialism can undermine the right to reparation as it often includes minimizing or dismissing past harms, delegitimizing claims for redress, affronting the dignity of victims, criticizing and undermining existing reparation programmes, and regressing from previous apologies or statements of acknowledgement of past crimes and related responsibilities, thus violating the obligation of States to provide full reparation including restitution, compensation, satisfaction and rehabilitation.

20. Fourth, denialism can breach obligations in the field of memorialization, in particular the duty to preserve and transmit accurate accounts of past human rights violations to present and future generations, by withholding or dismissing the findings of transitional justice

[11] Kieran McEvoy, "Acknowledging the past in the post-truth era: witch-hunts, lawfare and the veterans' amnesty in Northern Ireland", *Journal of Law and Society*, vol. 53, No. S1 (April 2026).

[12] See A/HRC/54/24.

mechanisms, distorting information and hampering access to documentation and evidence preserved in archives, delegitimizing the testimonies and memorialization efforts of victims, and disseminating biased accounts of past violations in education, culture and the media.

21. Finally, denialism can undermine guarantees of non-recurrence by promoting hateful or discriminatory speech, deliberately propagating divisive rhetoric, concealing or misrepresenting information about past crimes and the root causes of conflict, displaying public disregard for democratic principles and the rule of law, eroding social trust in State institutions, discrediting human rights efforts and campaigns, and undermining a culture of peace, coexistence and mutual understanding in societies.

22. In many contexts, however, purported attempts to combat denialism through legislative and policy efforts that restrict legitimate discussions about past human rights violations have also impinged on the rights to freedom of expression, education and information. On this issue, the Human Rights Committee indicated that "laws that penalize the expression of opinions about historical facts are incompatible with the obligations that the Covenant imposes on States Parties in relation to the respect for freedom of opinion and expression. The Covenant does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events".[13]

23. In effect, failing to adopt human rights-compliant legal, administrative and procedural measures to prevent and respond to denialism can unduly infringe freedom of expression. As previously noted, the right to truth can be characterized as the right to know, to be informed or to freedom of information and, as such, the right to truth is closely associated with the right to access information.[14] The Special Rapporteur stresses that States are under an obligation, under international law, to proactively put in the public domain government information of public interest,[15] which is even more critical in the context of serious human rights violations.

24. Indeed, freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers or choice of media, cultural rights, the right to have access to scientific knowledge and information and the right to education, all constitute essential tools to combat denialism. States are bound to prohibit any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.[16] They must also prohibit the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination,[17] as well as incitement to genocide.[18] In this connection, the Special Rapporteur recalls the six criteria established in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, for defining acts that constitute incitement to hatred that must be subject to restrictions.[19]

25. By all means, the Special Rapporteur underscores that any responses to denialism must be fully consistent with international human rights law, including freedom of expression and the principles of legality, necessity, proportionality and non-discrimination,[20] as both the right to freedom of expression and the rights embedded in transitional justice pillars are mutually reinforcing and must be applied jointly.

[13] Human Rights Committee, general comment No. 34 (2011), para. 49.
[14] A/68/362, paras. 14 and 17.
[15] Human Rights Committee, general comment No. 34 (2011), para. 19.
[16] International Covenant on Civil and Political Rights, art. 20.
[17] International Convention on the Elimination of All Forms of Racial Discrimination, art. 4.
[18] Convention on the Prevention and Punishment of the Crime of Genocide, art. III (c).
[19] A/HRC/22/17/Add.4, appendix, para. 29.
[20] International Covenant on Civil and Political Rights, arts. 19 (3) and 20; and Human Rights Committee, general comment No. 34 (2011), para. 49.

V. Traditional and contemporary forms of denialism and their effects

26. Traditional and contemporary denialism has taken various forms, including the discrediting of authoritative accounts and the glorification of past violations, the mimicry of transitional justice measures and the manipulation of memory and laws, as well as technology-driven disinformation. These trends have generated multiple social, political and/or legal effects, as they, inter alia, foster impunity, polarize societies, feed cultural wars and contribute to the greater marginalization of certain persons and groups.

A. Discrediting of authoritative accounts, glorification of past violations and other regressive measures

27. In the 1980s and early 1990s, transitional justice actors operated under the implicit assumption that, once transitional justice processes were set in motion, obstacles and delays could arise, but outright denialism of the past and a complete reversal of findings appeared unlikely. Nowadays, experience has shown that this is not the case.[21] Indeed, it is increasingly apparent that "memory does not necessarily evolve in a linear direction" and that it can, in effect, "go backwards",[22] presenting major challenges to transitional justice. Many of the most significant trends of denialism arise not in the "moment" of transition but in the transition's "afterlives", following long-term cycles of acknowledgement, contestation and possible regression.

28. In effect, transitional justice does not end with the verdicts of tribunals or the reports of truth commissions. It persists through time, across generations and outside formal institutions. In this lengthy process, earlier achievements in truth-seeking and accountability may face erosion or co-optation, authoritarianism may resurge and memory may become politicized. Regressive measures adopted in denialist settings can include: (a) delegitimizing established truths and judicial findings about past human rights and humanitarian law violations; (b) glorifying perpetrators or whitewashing past crimes; (c) removing memorial symbols or sites; (d) defunding relevant memory programmes; (e) reversing educational content on historic memory; (f) introducing material or legal obstacles to exhumations or victim identification processes; (g) stigmatizing and persecuting victims and human rights defenders; (h) dismantling transitional justice institutions; and (i) adopting legislative reforms that regress on hard-won gains and weaken guarantees of non-recurrence. These variants of denialism seek to undermine the established legal facts of past abuses and subsequent efforts to acknowledge and repair the harms by targeting the narratives, institutions, practices, laws, policies and sites which reflect the reality of those past harms.

29. These denialist efforts threaten the durability of transitional justice processes and create social environments that risk the resurgence of violence. Except in times of public emergency, as provided for under international human rights law, States must therefore refrain from adopting regressive human rights measures or policies. Neither should they render the effective protection of human rights conditional on political, social or economic contexts. This would otherwise contravene the general obligations to respect and ensure rights contained in virtually all human rights instruments[23] and blatantly contradict the principle of non-retrogression (or non-regression).[24] States should never adopt measures,

[21] Paloma Aguilar, Carsten Humlebæk and Roldán Jimeno, "Are transitional justice and memory policies at risk of regressing? The Spanish case in comparative perspective", *Memory Studies*, vol. 19, No. 1 (December 2026).

[22] Gavriel D. Rosenfeld, "The rise of illiberal memory", *Memory Studies*, vol. 16, No. 4 (February 2021).

[23] American Convention on Human Rights, arts. 1, 2 and 29.

[24] Committee on Economic, Social and Cultural Rights, general comments No. 14 (2000), paras. 21, 32, 48 and 50, and No. 22 (2016), para. 38; Human Rights Committee, general comment No. 36 (2018), para. 8; Court of Justice of the European Union, *Repubblika v. Il-Prim Ministru*, Case C-896/19, Judgment, 20 April 2021, paras. 61–63; European Court of Human Rights, *Grzęda v. Poland*, Application No. 43572/18, Judgment, 15 March 2022, paras. 157–159 and 323; Inter-American Court

including regressive ones, that violate norms of jus cogens[25] such as the prohibition of enforced disappearances or the obligation to investigate and sanction those responsible for this crime.[26]

30. In Argentina, the current administration has signalled important ideological and policy shifts away from the official account of the crimes against humanity committed during the 1976–1983 military dictatorship, as established in the report of the National Commission on the Disappearance of Persons, over 332 trial verdicts against over 1,200 former members of the security forces and affiliated civilians, and the reports of international and regional human rights mechanisms.[27] As part of its new approach, the current Government has implemented regressive measures that display a strong denialist stance and undermine four decades of progress in transitional justice. These measures include reducing the role of the State in promoting criminal investigations for crimes against humanity; obstructing access to dictatorship archives and attempts to destroy them; discrediting and dismantling transitional justice institutions devoted to the search for disappeared persons, memorialization and preservation of archives about those crimes; weakening mechanisms for reparation and support to victims; and stigmatizing discourse against victims and human rights organizations.[28] Such practical efforts to enable and promote denialism have been accompanied by celebratory language by public officials, glorifying past violations and perpetrators, and the revitalization of the previously discredited dictatorship-era justification for the systematic use of illegal repression in the 1970s and 1980s.[29]

31. Similarly, between 2018 and 2022, the Government of Brazil promoted a rewriting of the established social and political memory of the military dictatorship. Denialist narratives promoted by that administration and allied political actors included publicly praising the military dictatorship in Brazil and eulogizing State agents officially recognized as torturers. It also entailed instructing the armed forces to commemorate the anniversary of the military coup, and questioning the legitimacy and conclusions reached by the National Truth Commission. Victims of the regime were also ridiculed and the federal Government directly interfered with the content of school textbooks to align them with military perspectives.[30]

32. In Peru, public interventions by political, police and military actors have attempted to dismiss the findings of the Peruvian Truth and Reconciliation Commission regarding the human rights violations committed by the State during the internal armed conflict between 1980 and 2000.[31] In addition, acts of defamation, vandalism and incitement to violence were registered against memorials of those crimes, alongside intimidation of individuals who participated in activities therein.[32] The denialist efforts have been accompanied by associated regressive measures such as the adoption of an amnesty law and statutes of limitations for

of Human Rights, *Workers of the Fireworks Factory in Santo Antônio de Jesus and their families v. Brazil*, Judgment, 15 July 2020, para. 20; and Renáta Uitz, "Recalibrating human rights in Europe: a call to awaken the principle of non-retrogression", *European Convention on Human Rights Law Review*, vol. 7. Nos. 1 and 2 (March 2026).

[25] Vienna Convention on the Law of Treaties, art. 53; and A/CN.4/727.

[26] Inter-American Court of Human Rights, *Goiburú et al. v. Paraguay*, Judgment, 22 September 2006, para. 84.

[27] See E/CN.4/1435; https://www.cultura.gob.ar/media/uploads/lc_nuncamas_digital1.pdf; http://www.fiscales.gob.ar/lesa-humanidad/la-procuraduria-de-crimenes-contra-la-humanidad-actualiza-el-dossier-con-los-resumenes-de-las-332-sentencias-dictadas-desde-la-reapertura-de-los-juicios; and https://cidh.oas.org/countryrep/argentina80sp/introduccion.htm.

[28] See ARG 6/2024, ARG 9/2024, ARG 10/2024, ARG 1/2025, ARG 6/2025 and ARG 7/2025. All allegation letters and/or urgent appeals mentioned in the present document are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments. See also submission by Abuelas de Plaza de Mayo, HIJOS, CELS and Memoria abierta.

[29] See https://www.ohchr.org/en/press-releases/2026/03/argentina-alarming-setbacks-transitional-justice-50th-anniversary-coup-detat.

[30] See BRA 5/2019, BRA 12/2019, BRA 4/2020 and A/HRC/60/32/Add.1.

[31] Cynthia E. Milton, *Conflicted Memory: Military Cultural Interventions and the Human Rights Era in Peru* (University of Wisconsin Press, 2018); and submission by Asociación Civil THĒMIS.

[32] See PER 1/2022 and PER 3/2024.

those crimes, humanitarian release of perpetrators, and the defunding of entities investigating enforced disappearances.[33]

33. In his country visit reports on Serbia, Croatia and Bosnia and Herzegovina, the former mandate holder warned about the glorification of war criminals, the denial of atrocity crimes and the relativization or contestation of the judgments of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the manipulation of associated educational content, stressing the threat they pose to peace and reconciliation.[34] The General Assembly has also strongly criticized such actions.[35]

34. In the Gambia, some political actors and former regime officials have resisted the recommendations for prosecutions and reparations issued by the Truth, Reconciliation and Reparation Commission, framing them as divisive or externally imposed and criticizing the institution's evidentiary standards. They have also minimized the atrocities committed by the dictatorial regime, portrayed it as a defender of the country and have discredited victims as biased and destabilizers.[36]

35. In Indonesia, denialist and revisionist statements by State officials, alongside initiatives aimed at glorifying the rule of the former President, Soeharto – a period marked by gross and widespread human rights violations – have escalated recently. The bestowal on him of the title "national hero" has been met with profound dismay by victims and their families who suffered gross human rights violations during the "New Order" era that has been widely documented, including by the National Commission on Human Rights.[37]

B. Mimicry of transitional justice as a tool for denial

36. Denialist language and actions have sought to enlist and misrepresent transitional justice processes and deploy transitional justice-style language to formalize State impunity, obstruct accountability and prevent investigative processes from establishing the truth about past violations of human rights. Some political actors or public figures supporting them have sought to suppress memories and promote denial, hiding behind the label of transitional justice.[38]

37. For example, the workings of the South African Truth and Reconciliation Commission were misrepresented to rationalize and justify the amnesty introduced in 2022 by the Government of the United Kingdom of Great Britain and Northern Ireland to address the legacy of the "Northern Ireland Troubles".[39] In Bosnia and Herzegovina, sustained efforts to negate the findings of the International Tribunal for the Former Yugoslavia with regard to the genocide in Srebrenica has been a prevalent feature of populist politics. For instance, a report commissioned by the government of the Republika Srpska stated that the crimes perpetrated in Srebrenica did not constitute genocide and that a total of 3,000 persons had been killed, all of whom were combatants.[40] In response, in its resolution 78/282 of 23 May 2024, the General Assembly designated 11 July as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, condemned without reservation any

[33] See PER 8/2017, PER 7/2022, PER 9/2023, PER 6/2025 and PER 3/2026; and https://www.ohchr.org/en/press-releases/2025/07/peru-bill-establishing-amnesty-atrocity-crimes-violates-international.

[34] A/HRC/51/34/Add.1, paras. 72–75; A/HRC/51/34/Add.2, paras. 84–89; and A/HRC/54/24/Add.2, paras. 41 and 88.

[35] General Assembly resolution 78/282. See also https://www.ohchr.org/en/press-releases/2019/02/working-group-enforced-or-involuntary-disappearances-concludes-its-117th.

[36] Submission by the National Human Rights Commission of the Gambia.

[37] See IDN 11/2025.

[38] Cyanne E. Loyle and Christian Davenport, "Transitional injustice: subverting justice in transition and post conflict societies", *Journal of Human Rights*, vol. 15, No. 1 (August 2015); and Ron Dudai, "Transitional justice, denial and social control", in *Research Handbook on Transitional Justice* (Edward Elgar Publishing, 2023).

[39] See GBR 10/2022.

[40] A/HRC/51/34/Add.2, para. 84; and submission by Switzerland.

denial of the Srebrenica genocide as a historical event, and urged Member States to preserve the established facts.

C. Denialism and the manipulation of memory laws

38. While few countries have enacted legislation specifically targeting denialism, many prohibit discrimination and hate speech and others rely on memory laws, such as those addressing the Holocaust, to tackle these phenomena. However, States can unfortunately promote denialism with mimicked memory laws adopted in the context of genuine transitional justice processes, reshaping them to provide a platform to suppress versions of history that expose human rights abuses or, more simply, to stifle dissent. In practice, many such laws have failed to comply with international human rights norms.[41]

39. For example, the Government of Rwanda introduced Organic Law 01/2012/OL and Law 84/2013 on the crime of genocide ideology and other related offences, which criminalize genocidal acts, ideology and denial. However, the former holder of the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that certain legal provisions that "ostensibly meant to prevent genocide also interfere with the full enjoyment of the rights to freedom of peaceful assembly and of association".[42] In a similar vein, in 2025, the Special Rapporteur on the situation of human rights in the Russian Federation found that the provision of the Criminal Code on the "rehabilitation of Nazism" had been used to target dissent, with at least 52 persons convicted in 2024. In addition, in 2024, the Gulag History Museum in Moscow was closed, reflecting State revisionism towards distorting Soviet history.[43] In Poland, memory laws were amended to protect the good name of Poland and the Polish nation regarding the involvement of Polish citizens in antisemitic pogroms,[44] even after two State presidents had officially acknowledged the crimes and apologized on behalf of the State. In other contexts, special procedure mandate holders have expressed concern regarding the fact that several countries have adopted legislation referring to a definition of antisemitism that could be politically instrumentalized and could restrict the effective guarantee of human rights.[45] Special procedure mandate holders expressed similar concerns to Israel about its Prohibition of Denial of Massacre Incidents of 7 October 2023 (Shemini Atzeret Massacre) Law, 5785-2025, noting, inter alia, that it appears to restrict freedom of opinion and expression by policing a singular State-approved interpretation of the historical "truth" and punishing dissenting viewpoints. They recalled the Human Rights Committee's position that the International Covenant on Civil and Political Rights "does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events" and that laws that penalize the expression of opinions about historical facts are incompatible with States' obligations to respect freedom of opinion and expression.[46]

40. Defamation, sedition and national security laws have also been employed to suppress critics who speak out about past or ongoing abuses. These practices generate a chilling effect on transitional justice actors, restrict discussions on human rights violations, weaken the rights to truth and memory, and violate freedom of expression standards. In the Gambia, the misuse of restrictive laws such as the Criminal Offences Act 2025 and the Information and Communications Act, gaps in the development of jurisprudence distinguishing harmful incitement from legitimate commentary, and the lack of protection of victims and journalists from online harassment is posing significant challenges for freedom of expression. This, alongside the aforementioned denialist rhetoric, can erode transitional justice goals.[47]

41. The overreach of regulations criminalizing expressions related to historical events pose threats to civic space, including for grass-roots documentation and survivor-led

[41] Human Rights Committee, general comment No. 34 (2011), para. 49.
[42] A/HRC/26/29/Add.2, para. 13.
[43] A/HRC/60/59, paras. 67 and 68.
[44] See POL 2/2018.
[45] A/77/512, para. 72; and A/79/319, para. 79.
[46] See ISR 20/2025.
[47] Submission by the National Human Rights Commission of the Gambia.

initiatives.[48] Furthermore, at a time of post-truth populism, speaking out is becoming more difficult, not only due to censorship and repression, but also because fear, polarization, hostility and distrust are driving greater self-censorship.

D. Technology-driven disinformation

42. Contemporary developments in technology, artificial intelligence systems and social media have increasingly become important tools in searching for disappeared persons, truth recovery, documentation, archival research, victim and survivor mobilization and many other aspects of transitional justice work.[49] However, these technological advances also present significant challenges for transitional justice in tackling denialism, particularly in the context of widespread attacks against transitional justice actors and findings, with digital technologies used to amplify certain narratives while marginalizing or excluding others, and the concentration of power in a few technology companies that gives them considerable influence over communication channels and public discourse, including the dissemination of denialist narratives.

43. By way of illustration, in the Sudan, platforms such as Telegram, Facebook and X have become primary battlegrounds for denialism. Accounts affiliated with both warring parties (Sudanese Armed Forces and Rapid Support Forces) disseminate content that dehumanizes opposing ethnic communities, deny documented accounts, justify violence on security grounds and occasionally resort to deepfakes to lend credibility to their claims, confusing the public and fuelling violence.[50] Similarly, in Japan, survivors of the so-called "comfort women" system are reportedly experiencing digital campaigns of denial and harassment in response to their testimony. Japanese ultranationalist groups have pressured event organizers to cancel speaking engagements, circulated defamatory caricatures and articles and targeted survivors in online forums and media.[51]

44. Often such denialism is carried out for propaganda purposes or to obstruct future anticipated efforts to achieve accountability, truth and reparation. For instance, after senior officials of the Government of Israel had been subject to arrest warrants by the International Criminal Court in relation to the war crime of starvation, State officials responded to findings of a famine in the Gaza Strip in the summer of 2025 with claims that the hunger had been "faked", that images of starving children had been artificially staged or digitally manipulated, and that conspiracy between Palestinian groups, international organizations and foreign media existed to create a false image of suffering.[52] Similarly, the Russian Federation has used claims of "faked" images of dead bodies to deny its responsibility for war crimes in Ukraine, despite reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) pointing to the contrary.[53]

45. Algorithmically driven digital platforms, where sensationalist or misleading content is amplified, monetized and normalized, can intensify emotionally charged or provocative content, including encouraging and widely circulating denialist narratives about past human rights violations even in societies with strong legal and accountability frameworks, museums, archives and educational programmes. Social media incentivizes polarization, particularly through algorithmic recommender systems. For instance "troll farms" (sometimes staffed by government agencies or proxies) and viral bots may magnify the reach of denialist-related content by getting networks of other bots to repost it, which in turn encourages search engine and social media algorithms that favour popular and provocative posts to give it

[48] Submission by Kalkal Human Rights Development Organization.
[49] See A/81/130.
[50] Submission by Sudan Rights Defenders Network.
[51] See JPN 4/2025.
[52] See https://www.ohchr.org/en/press-releases/2025/05/stop-clock-madness-un-expert-appeals-states-after-gaza-aid-distribution; and Ron Dudai, "How Israelis turned atrocity denial into an art", *+972 Magazine*, 22 August 2025.
[53] See 2022-12-07-OHCHR-Thematic-Report-Killings-EN.pdf.

greater prominence.[54] In addition, the business model of much social media output is financed by advertisements which pay out based on the number of page views. Accordingly, it may be financially lucrative to spread misinformation, propaganda or distorted partisan content about past abuses that can go viral in algorithmically entrenched echo chambers.

46. Computational logics, machine learning sets and platform governance now mediate which historical claims are made visible and which are obscured. This complicates efforts to affirm authoritative accounts of mass violence, since the actors who disrupt or distort those accounts exploit the very infrastructures through which many people now access information. Furthermore, because users function as both producers and consumers of content, and because trolling, memetic play and evasion of censorship are part of computer using and gaming subcultures, agents of denialism can easily evade efforts to check unreliable content and reappear across platforms in altered forms.[55]

47. An additional denialist-related challenge concerning violations of human rights or humanitarian law relates to artificial intelligence systems. As noted, artificial intelligence and other data-driven technologies are being increasingly used as valuable resources to process and explore the materials produced by transitional justice mechanisms such as trials and truth commissions. However, many such data sets are flawed, inadequate or inconsistent. Artificial intelligence systems trained on biased or incomplete data sets can generate content that appears neutral or authoritative while actually distorting historical realities, amplifying artificially generated historical accounts that minimize or relativize documented violations or producing contradictory narratives that overwhelm truth-based discourse.[56] Artificial intelligence-driven content moderation systems of platforms such as YouTube and Facebook are also vulnerable to State actors that can launch mass-reporting campaigns against digital evidence of human rights abuses, and genuine reports of human rights and humanitarian law violations may be removed for violating terms of service.[57]

48. Another relevant challenge relates to artificial intelligence-generated deepfakes. Such deepfakes can suggest that fictional things really occurred. However, as awareness of deepfakes becomes more prominent, one "liar's dividend" is also to create suspicion and distrust among the public, even when the evidence of past violations of human rights and humanitarian law is real.[58] Such "assumption of manipulation" around all images increases the burden on those making contemporary or past claims about abuses.[59] Denialist actors can negate documented violations by weaponizing the public's scepticism of digital content, eroding the evidentiary value of all human rights documentation – in effect shifting the burden away from perpetrators to institutions or victims to prove authenticity beyond doubt. Instead of perpetrators attempting to hide atrocities, victims and human rights advocates must expend their resources to prove the veracity of their version or that fabricated events did not happen in the way that denialist State or non-State actors claim.[60] This task is particularly difficult in societies where even the findings of judicial bodies are called into question. Moreover, for the public, faced with interminable streams of misinformation, "reality apathy" may result where people give up trying to distinguish what is real and what is false.[61]

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[54] Robert Dover, "Gaza is now the frontline of a global information war", *The Conversation*, 7 February 2024.

[55] Victoria Grace Walden, "Understanding Holocaust memory and education in the digital age: before and after Covid-19", Holocaust Studies, vol. 28, No. 3 (December 2021).

[56] Lanabi La Lova, Denisa Kostovicova and Timothy William Waters, "Enemy of justice? Secrecy in domestic war crimes trials in Serbia", *Journal of Genocide Research* (28 August 2025).

[57] Sarah T. Roberts, *Behind the Screen: Content Moderation in the Shadows of Social Media* (Yale University Press, 2019).

[58] Robert Chesney and Daniel K. Citron, "Deep fakes: a looming challenge for privacy, democracy, and national security", *California Law Review*, vol. 107, No. 6 (December 2019). See also A/81/130.

[59] Sam Gregory, "Deepfakes, misinformation and disinformation and authenticity infrastructure responses: impacts on frontline witnessing, distant witnessing, and civic journalism", *Journalism*, vol. 23, No. 3 (December 2021).

[60] See https://www.lrb.co.uk/the-paper/v46/n02/conor-gearty/short-cuts.

[61] See https://securingdemocracy.gmfus.org/deepfake-myths-common-misconceptions-about-synthetic-media/; and https://www.gen-ai.witness.org/wp-content/uploads/2024/08/WITNESS-Report_Audiovisual_Generative_AI_and_Conflict-1.pdf, p. 8.

E. Denialism, impunity and reconciliation

49. Denialism has long been part of the strategies used when States adopt amnesties, pardons or other legal or de facto mechanisms to secure impunity for past human rights and humanitarian law violations. Often, efforts to obstruct accountability are presented by their advocates as a response to violence or as a means to aid reconciliation. These efforts are often accompanied by narratives that negate, minimize or justify past gross human rights violations.

50. For example, the former Chilean dictator Agusto Pinochet referred to the 1978 de facto self-amnesty for government agents as designed to "further national unity" and promote "forgiveness".[62] In Spain, amnesties designed to secure impunity for those affiliated with the Franco dictatorship were similarly framed as being designed to achieve "national reconciliation", "forgiving" and "forgetting" – often referred to as the Pacto del Olvido (the pact of forgetting) – and led to decades of neglect of the truth about the violations committed by the regime, lack of progress in the search for missing persons, and accountability and reparation gaps.[63]

51. In the United Kingdom, in 2023 the Government introduced legislation to address the legacy of the Troubles in Northern Ireland that included a conditional amnesty (with a low eligibility threshold), closed down all conflict-related investigative and court-based processes, and replaced them with a government-appointed commission. The measure was justified by claims that the Northern Ireland justice system was targeting British army veterans and that the new legislation would encourage reconciliation.[64] The amnesty provisions were found to be unlawful by the courts and were abandoned by the subsequent government, and new legacy legislation was presented before the parliament.[65] However, concerns remain about the continued risk of denialism, due to government attempts to retain a "national security veto" on the information to be provided to victims.[66]

F. Denialism, polarization and culture wars

52. Denial of past atrocities has also been recently associated with increased political polarization in many countries. In such contexts, the determinations of past transitional justice mechanisms may be perceived as being tied to one contemporary political camp and antagonistic to another. Transitional justice was historically viewed as an authoritative means of denouncing past policies of genocide, apartheid, crimes against humanity and other serious human rights violations and an expression of shared social and political commitment to ensuring non-recurrence. However, recently in various countries, transitional justice mechanisms have become vulnerable to shifts in the political landscape and victims of increased polarization, whereby authorities and other political figures dispute established facts, misrepresent historical records and reverse narratives of victimhood to advance their own political agendas.

53. In some contexts, opposition to transitional justice is framed as a reaction against perceived human rights overreach, broader "culture war" debates around so-called wokeness, or is even associated with other forms of denialism, including denial of the climate crisis. Such narratives blur the fact that transitional justice is primarily concerned with addressing gross human rights violations. The trivialization, politicization or weaponization of such abuses represents a dangerous and destructive form of denialism in a wide variety of sectors,

[62] Louise Mallinder, *Amnesty, Human Rights and Political Transitions: bridging the peace and justice divide* (Hart Publishing, 2008), p. 81.

[63] See A/HRC/27/56/Add.1 and A/HRC/48/60/Add.1.

[64] McEvoy, "Acknowledging the past in the post-truth era"; and https://conservativehome.com/2022/06/09/brandon-lewis-my-northern-ireland-legacy-plan-no-longer-will-our-veterans-be-hounded-for-about-events-that-happened-decades-ago/.

[65] See GBR 10/2022.

[66] See GBR 18/2025.

including health and the environment, which, as the coronavirus disease (COVID-19) crisis showed, also target the United Nations, its funds, programmes and specialized agencies.[67]

G. Denialism and marginalization

54. People historically subjected to discrimination, marginalization, subjugation and violence, including women, Indigenous Peoples, ethnic or religious minorities, migrants, LGBTQ persons and economically and socially marginalized persons or groups, have often been excluded from decision-making, including the design and implementation of transitional justice processes, leaving their enduring grievances unaddressed.[68] Denialism often operates in these battlegrounds, perpetuating the systemic and long-standing exclusion faced by these people.[69]

55. Gender-based violence, including domestic violence, and the neglect of women's experiences during and after conflicts or periods of authoritarianism, remain a particularly prominent variant of such forms of denialism.[70] Societies' engagement with the past, including through transitional justice measures, may at times obscure the nature and extent of gender-based violence, ignore the factors that made it possible, neglect the links between conflict or authoritarianism and this form of violence, fail to properly address gendered gaps in accountability and reparation, and replicate patterns of exclusion and discrimination against women.[71] Early truth commissions largely failed to incorporate gender perspectives, often overlooking serious violations related to gender, sexual orientation and gender identity. For example, in Chile, the National Commission on Truth and Reconciliation, established in 1990, did not explicitly address gender-based sexual violence. Over time, gender-based violence has increasingly featured in truth-seeking exercises, in Sierra Leone (2000), Timor-Leste (2001) and Liberia (2005), but some gaps still remain.[72]

56. In addition, in some post-conflict or post-authoritarian societies, denialist practices, policies and framing map onto long-standing racialized narratives and conservative resistance to social, economic and ecological reform. In such cases, "cultural denial" of past atrocities, especially those committed against historically marginalized groups, can be deeply rooted and long-lasting.[73] Such embedded forms of denialism may rest dormant, rooted in social norms and communal understandings, long after conflicts have ended and regimes have changed, only to be revitalized and reshaped when political circumstances change.

57. For example, in Guatemala, despite earlier progress in truth-seeking and accountability and the sustained efforts of civil society and survivors, there is continued denial of past crimes, including genocide, committed during the internal armed conflict, most of which targeted Indigenous Peoples. This denial has been accompanied by sustained attempts at shielding perpetrators through amnesties and extinction of criminal action, and the criminalization and intimidation of judges, prosecutors, human rights defenders and victims advancing transitional justice cases.[74] In Ethiopia, the International Commission of Human Rights Experts on Ethiopia observed an increase in ethnicized language objectifying Oromos, Tigrayans and Amharas in the context of the deteriorating security situation in the

[67] See https://www.who.int/news/item/23-09-2020-managing-the-covid-19-infodemic-promoting-healthy-behaviours-and-mitigating-the-harm-from-misinformation-and-disinformation.

[68] Eilish Rooney and Fionnuala Ní Aoláin, "Transitional justice from the margins: intersections of identities, power and human rights", *International Journal of Transitional Justice*, vol. 12, No. 1 (March 2018).

[69] See https://www.researchgate.net/publication/236746542_The_Irreconcilable_Goals_of_Transitional_Justice, pp. 107–114.

[70] Olivera Simic, "Engendering transitional justice: silence, absence and repair", *Human Rights Review*, vol. 17, No. 1 (March 2016).

[71] See https://www.ictj.org/latest-news/struggle-against-invisibility-gender-justice-middle-east-and-north-africa.

[72] A/75/174, para. 7.

[73] Cohen, *States of Denial*.

[74] See A/HRC/62/43/Add.1; GTM 9/2013, GTM 8/2014, GTM 2/2016, GTM 5/2018, GTM 6/2019 and GTM 7/2022; and submission by Rachel Hatcher.

country with multiple instances of online hateful, exclusionary and derogatory language, as well as sexualized verbal abuse and incitement against political and ethnic groups.[75] In the United States of America, various executive orders, memorandums and policies issued by the Government on ending diversity, equity and inclusion programmes and race-centred ideology in historical exhibits and memorials have also severely limited the scope of discussions that challenge systemic or historical inequities.[76] Patterns of denial and historical revisionism relating to the transatlantic slave trade, slavery, colonialism and their enduring legacies of systemic racism not only operate as distortions of historical truth, but as structural mechanisms obstructing reparations, accountability and guarantees of non-recurrence.[77] In some cases, denial takes the form of a partial documentation of violations that, deliberately or otherwise, excludes victims of marginalized groups from mapping and recording outcomes.[78] In El Salvador, for example, the State failed to collect the testimonies of Indigenous witnesses and survivors of massacres committed in El Mozote and surrounding areas, in a context where senior State officials stated that the Peace Accords were a "farce".[79] In Brazil, State-led truth seeking and reparation mechanisms failed to adequately address the violations suffered by Indigenous Peoples, peasants and people of African descent during the dictatorship, replicating the discrimination also present in society.[80] In countries of the former Yugoslavia, insufficient official efforts to document and provide information about the harm endured by victims of certain ethnic backgrounds hindered efforts to discover the truth, prevented mutual understanding and perpetuated exclusion, social grievances and division.[81] Environmental harms have also traditionally not featured in exercises to map the violations committed in armed conflict, especially where the abuses affected Indigenous People and other groups subjected to marginalization.[82]

VI. Addressing denialism: key considerations

58. As highlighted in the present report, the denial of gross violations of human rights can have harmful consequences. It is therefore essential that States and other relevant actors act decisively to protect the integrity of established truth, as produced through the documentation, testimony collection, findings and verdicts of transitional justice mechanisms, while countering any incitement to discrimination, hostility or violence and at the same time, safeguarding open and rigorous public debate. While the events of the past will and should continuously be discussed by a multiplicity of actors, including historians, there is a clear difference between a legitimate debate about past abuses and the instrumentalization of history, including through the dismissal of authoritative accounts, for political or ideological gain.[83]

59. A human rights-compliant response to denialism should begin with the promotion of robust public information and truth about past violations. States are under the obligation to disclose information – in particular information related to violations of human rights or humanitarian law – as part of their duty to establish the truth, provide remedies, ensure accountability and prevent recurrence. Information concerning such violations and crimes under international law must not be subject to secrecy, classification or other access restrictions that do not comply with article 19 (3) of the International Covenant on Civil and Political Rights. To achieve this objective, States must safeguard civic space, support independent media and ensure that restrictions on harmful speech are lawful, necessary and proportionate.

[75] A/HRC/54/55, para. 58.
[76] See USA 26/2025. See also A/HRC/59/41/Add.1, paras. 68 and 69.
[77] Submission by Thurgood Marshall Civil Rights Center, Howard University School of Law.
[78] A/HRC/60/32, para. 47.
[79] See SLV 3/2024; and submission by CEJIL, Center for Justice and International Law.
[80] A/HRC/60/32/Add.1, paras. 72 and 73.
[81] A/HRC/60/32, para. 50. See also A/HRC/51/34/Add.1, A/HRC/51/34/Add.2 and A/HRC/54/24/Add.2.
[82] Rachel Killean and Elizabeth Newton, "Transitional justice and other-than-human harm: lessons from Colombia", *International Journal of Human Rights*, vol. 30, No. 1 (2026).
[83] A/68/296, para. 6.

60. Education is equally central to addressing denialism in a sustainable manner. States must recognize that freedom of expression, cultural rights, education and access to knowledge are key tools to combat denialism. Hence, States should invest in inclusive, evidence-based education systems that promote critical thinking and historical awareness, as well as investing in digital and information literacy. In Chile, a series of pedagogical tools, seminars, virtual training courses and curricula updates were adopted that promote human rights education, historic memory about past violations, reflective and critical thinking, thoughtful and effective use of information and communications technologies, and education in civic coexistence, human rights and democratic life to enable the education system to act as a preventive space against misinformation, denialism and other practices that undermine truth, memory and human rights.[84] In a different context, in the Durban Declaration, the States participating in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance emphasized the importance and necessity of teaching history "with a view to achieving a comprehensive and objective cognizance of the tragedies of the past".[85] They further emphasized that "remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity".

61. The former mandate holder has also emphasized the critical role that memorialization strategies play in addressing denialism. Memorialization practices foster critical thought, analytical learning and debate, promote spaces for a variety of narratives regarding the past and its representations, and ensure a better understanding of contemporary challenges of exclusion and violence.[86] Indeed, it was with those objectives that a museum of remembrance was built in Ecuador.[87]

62. States should also take measures to ensure that State actors refrain from making denialist statements that deny past violations, glorify abusers, undermine official acknowledgements or apologies of past wrongdoings or revictimize victims. When denialism incites discrimination, hostility or violence, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence provides valuable guidance on the factors that should be considered in assessing the appropriateness of prohibiting and where relevant, criminalizing speech.[88] The factors include the social context, the speaker's status and intent, the content and form of the speech, the nature of the audience, the reach of the communication and the imminence of harm. Slovenia reported that article 297 of the Criminal Code criminalizes public incitement to hatred, violence or intolerance, including the denial, gross minimization, approval or justification of genocide, crimes against humanity or war crimes, where such conduct may endanger public order or peace. Its application requires a case-by-case assessment of context, intent and impact, in line with constitutional and international standards on freedom of expression. In the digital sphere, Slovenia applies Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (Digital Services Act), with a designated national coordinator addressing systemic risks related to unlawful content, including hate speech.[89]

63. Technology companies also have an important role to play, consistent with their responsibility to respect human rights and to conduct regular human rights due diligence and review, in compliance with the Guiding Principles on Business and Human Rights. As noted in the Guidelines for the Governance of Digital Platforms,[90] technology companies should preserve potential evidence of human rights violations and ensure access for competent national and international accountability mechanisms. They can also contribute to countering denialism by showing greater transparency about their content moderation processes,

[84] Submission by Chile.
[85] See http://www.un-documents.net/durban-d.htm.
[86] See A/HRC/45/45; and https://www.ohchr.org/en/statements-and-speeches/2014/03/statement-ms-farida-shaheed-special-rapporteur-feld-cultural-rights.
[87] Submission by Ecuador.
[88] See A/HRC/22/17/Add.4, appendix.
[89] Submission by Slovenia.
[90] See https://www.unesco.org/en/articles/guidelines-governance-digital-platforms.

labelling unlawful content, providing contextual warnings, restricting financial incentives, such as demonetizing misleading content, and penalizing clickbait practices. Greater collaboration with civil society, independent fact-checking initiatives and the academic sector can help ensure that responses to denialism meet human rights standards.

VII. Conclusion

64. **As stressed by the former mandate holder, there can be no regression or reversal: the denial of extermination policies such as the Holocaust, genocides and other crimes against humanity committed in the past, as well as the whitewashing or praise of the regimes that carried them out, must be fully repudiated and deemed unacceptable.**[91] **Denialism of serious violations of human rights and humanitarian law represents a profound and evolving threat to the integrity, effectiveness and sustainability of transitional justice. It is not merely a suppression and distortion of the past, but an active force shaping the present and the future. It erodes the foundations upon which transitional justice is built – truth, justice, reparation, memorialization and guarantees of non-recurrence – while simultaneously weakening democratic institutions and social trust, undermining the rule of law, promoting exclusion and, crucially, perpetuating cycles of violence.**

65. **Contemporary manifestations of denialism are expansive and present complex additional challenges. The rise of post-truth populism has altered the perceptions of truth and accountability by enabling the proliferation of politically influential narratives that are frequently indifferent to factual accuracy. These dynamics are amplified by digital technologies, social media and artificial intelligence systems, which can accelerate the scope, reach and monetization of denialist content and can undermine the standing and resonance of factual assertions about violations. As a result, established truths – confirmed through judicial processes, truth commissions, documentation, memorialization and other transitional justice mechanisms – are increasingly contested, relativized or supplanted by false narratives.**[92]

66. **As has been demonstrated in the present report, denialism frequently occurs not only during transitions but in their aftermath, sometimes many years after transitional justice mechanisms have conclusively established the historical record about what happened. Regression may take the form of the propagation and legitimation of false narratives by political leaders and influential actors, discrediting of authoritative accounts of past violations and the institutions that produced them, institutional and legislative backsliding, manipulation of memory laws, glorification of perpetrators, stigmatization of victims and the erosion of educational and memorial initiatives.**

67. **Therefore, today more than ever, inclusive and effective memorialization and education about past violations emerge as indispensable transitional justice tools, serving as crucial safeguards against denial and establishing the social foundations for durable peace by fostering truthful collective memory, mutual understanding, critical reflection and a culture of human rights. As practitioners noted,**[93] **the centrality of truth to transitional justice is not new: the right to know the truth is a main component of the updated set of principles for the protection and promotion of human rights through action to combat impunity**[94] **and, in practice, countering denial has long been a main objective of truth-seeking bodies.**

68. **As has also been demonstrated in the present report, sometimes, transitional justice mechanisms can consciously or inadvertently obscure and perpetuate the systemic exclusion faced by groups subjected to marginalization. Confronting this form of denial requires transitional justice processes that are inclusive, intersectional and responsive to structural inequalities.**

[91] A/HRC/45/45, para. 97.
[92] See A/77/287, A/HRC/47/25 and A/77/288.
[93] Submission by International Center for Transitional Justice.
[94] See E/CN.4/2005/102/Add.1.

69. **Crucially, as shown in the report, denialism is not a value-neutral phenomenon but is actively pursued by political actors. Denialism often seeks to replace healthy democratic debates about previous abuses by a single interpretation of the past that accords with a particular ideology. Typically, this revised, new, single interpretation of past events is accompanied by the suppression of established truths and by the silencing of narratives that challenge the newly imposed version. As a result, denialism directly interferes with victims' rights and impairs society's ability to comprehend the causes and consequences of violence and the mechanisms of oppression, all of which are vital for social cohesion. Moreover, denial can constitute the single most clear indicator of unsuccessful reconciliation, democratic backsliding and recurring violence. It alarmingly highlights the need for more effective measures to guarantee non-repetition.**

70. **At the same time, as highlighted in the report, there are risks inherent in certain State responses to denialism, particularly the misuse, manipulation or overreach of memory laws or security laws that unduly restrict freedom of expression and can themselves become tools of denial. While States have a duty to prohibit advocacy of hatred that constitutes incitement to discrimination, hostility or violence, such measures must comply with the principles of necessity, legality, proportionality and non-discrimination, and be fully aligned with international human rights standards, including the recommendations of the relevant United Nations human rights bodies and mechanisms and the Rabat Plan of Action. Combating denial must not become a pretext for censorship and repression.**

71. **Ultimately, addressing denialism requires a comprehensive, principled and forward-looking approach grounded in international law. It demands sustained political will, robust institutions, inclusive participation and the protection of civic space. Transitional justice must be understood as a long-term, intergenerational process requiring constant vigilance to preserve its achievements in accordance with the principle of non-retrogression (or non-regression). In this regard, confronting denialism is not only about safeguarding the past, but also about protecting the future: ensuring that truth and accountability endure, that victims are recognized and that the conditions for recurrence are dismantled.**

VIII. Recommendations

72. **The Special Rapporteur recommends that States:**

(a) **Adopt laws and policies to uncover and promote accurate accounts of past violations, promoting a culture of maximum disclosure and accountability. Information regarding gross violations of human rights must not be withheld on national security grounds. When limitations are deemed absolutely necessary, the State has the burden of proof in demonstrating that the exceptions are compatible with international human rights law;**

(b) **Ensure that State actors, including in the executive, legislative and judicial branches, refrain from making or encouraging the making of statements that deny violations, glorify abusers or their crimes, retract or undermine official acknowledgements and apologies for past violations and revictimize victims;**

(c) **Establish mechanisms to identify and respond to denialism as a risk factor for renewed violence, including with the cooperation of national human rights institutions and, when State actors engage in such denialism campaigns, investigate and prosecute those responsible to establish a culture of accountability;**

(d) **Ensure that policies and laws that address denialism and promote memorialization do not serve to suppress legitimate forms of opinion or expression about past events. Repeal legislation that criminalizes legitimate historical inquiry, dissenting interpretation or critique of State actions. Any restrictions on expression must be lawful, necessary, proportionate and non-discriminatory;**

(e) **Guarantee the rights to freedom of expression, association and peaceful assembly, and ensure that victims and human rights defenders, such as lawyers,**

memory activists, rights advocates and journalists working on issues related to past abuses exercise their rights free from interference, threats or violence of any sort;

(f) **Prohibit advocacy of hatred that constitutes incitement to discrimination, hostility or violence and incitement to genocide, in full compliance with international standards, in particular articles 19 and 20 of the International Covenant on Civil and Political Rights, as well as the Rabat Plan of Action;**

(g) **Adopt, in consultation with and with the full participation of victims, comprehensive legislation and policies on memorialization processes, which entail plural and accurate accounts of past violations and narratives of victimhood, and set out the criteria and process for establishing memorials in full compliance with international standards;**

(h) **Preserve and fund memorials, museums, commemorative practices and sites of memory, ensuring that they reflect accurate, inclusive and evidence-based accounts of past violations;**

(i) **Adopt policies in the fields of education, culture and the media to regularly inform society with accurate accounts of past violations and narratives of victimhood, promoting critical thinking, mutual understanding and coexistence, democratic values and respect for human rights;**

(j) **Ensure that transitional justice mechanisms comprehensively address all categories of gross human rights violations, including gender-based and sexual violence and violence against historically marginalized groups, as well as abuses committed by all actors, to prevent truth and acknowledgement gaps that enable denial;**

(k) **Ensure that victims and marginalized groups play a key role in the construction of memory and cultural narratives about past violations to help counteract attempts at denialism by the perpetrators of violations and by political groups or interests that seek to rekindle violence;**

(l) **Facilitate the work of historians, archivists, journalists, civil society organizations and victims' groups in documenting truthful accounts of past abuses, and protect them from harassment, intimidation or retaliation;**

(m) **Adopt legal and administrative measures to preserve, declassify and make accessible archives related to serious human rights violations;**

(n) **Invest in technologies and partnerships to archive, authenticate and protect digital evidence of human rights violations from denialism, manipulation or deletion;**

(o) **Develop regulatory and policy frameworks, in consultation with stakeholders, to address the spread of denialist content online, while safeguarding freedom of expression in compliance with international standards. Encourage transparency and accountability of digital platforms;**

(p) **Promote public education on information and digital literacy, including the identification of disinformation, misinformation, deepfakes and manipulated content related to past violations;**

(q) **Take effective action to prevent attacks on actors participating in transitional justice processes, including digital harassment and disinformation campaigns against them;**

(r) **Recognize artificial intelligence-driven denialism as a contemporary threat to transitional justice processes and design effective interventions and enact appropriate regulation to counter the capacity of artificial intelligence systems to undermine accurate accounts of past violations.**

73. **The Special Rapporteur recommends that technology companies adopt robust policies to address denialism on digital platforms, in compliance with the Guiding Principles on Business and Human Rights and the Guidelines for the Governance of Digital Platforms. In particular, companies should:**

(a) **Preserve and securely store content that may constitute evidence of human rights violations;**

(b) **Ensure timely, safe and rights-compliant access for competent accountability and other transitional justice mechanisms;**

(c) **Adopt measures to mitigate the impact of denialist content, such as labelling problematic content, providing contextual warnings and demonetizing misleading content;**

(d) **Review advertisement-driven business models that underpin denialism, disinformation and hate speech, recognize users as rights holders, and respect applicable data protection laws;**

(e) **Strengthen cooperation with civil society, independent fact-checking institutions and the academic sector to uphold information accuracy and human rights standards.**