



## Vermont Legislative Research Service

<https://www.uvm.edu/cas/polisci/vermont-legislative-research-service-vlrs>



This report examines the different Truth and Reconciliation Commissions that have been created in various countries, states, and cities and how these bodies may fit into the context of the state of Vermont. Truth and Reconciliation Commissions are bodies that have been formed at multiple levels of government as a way to try and heal and move forward from oppressive and harmful policies or actions taken by a government. These organizations offer a space for victims to speak about the harms they suffered in order to help move forward from their trauma. Additionally, the more contemporary models of Truth and Reconciliation Commissions have created reports on their findings as well as recommendations on how to further improve conditions for those negatively impacted as well as helping to educate the general population. These commissions have taken on a variety of different topics with a differing goals and methods. The report begins with a look into two international commissions as well as an overview of the United Nations guidelines on the creation of Truth Commissions. We then look into several state and local level commissions.

The South African Truth and Reconciliation Commission (TRC) was formed by the Promotion of National Unity and Recon (o)8 Ro Truth and Reconciliation Commission, "The Mandate," in Truth and Re South Africa: Volume One (South Africa: Truth and Reconciliation Commission, 1998), 48.  
<https://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>

holding hearings for victims and gathering submissions from organizations.<sup>2</sup> Their goal was to identify specific victims and the harm they suffered. Individuals who were subjected to gross human rights violations were then referred to the second committee, the Reparation and Rehabilitation (R&R) Committee. This committee's goal was to support victims, create policy recommendations relating to rehabilitation, and in urgent cases pay reparations to victims.<sup>3</sup> The third committee, the Amnesty Committee oversaw applications for amnesty from those who perpetrated offenses during apartheid. The TRC's report, issued in 1998, discussed the number and nature of the victims of apartheid, the background of apartheid, and presented detailed recommendations for continued actions post-apartheid.<sup>4</sup> Since the final report was issued, President Mandela apologized to all victims of apartheid and in 2006 the government created a program to monitor

government's prior wrongdoings through investigation, but all "truth commissions" are established by governments to address their own past failures.

The guide highlights international precedents establishing citizens' right to know about "past abuses" committed by governments.<sup>8</sup> It explains the necessity of establishing of truth commissions in order to directly reach out to victims to facilitate the process of understanding the "extent," "patterns," "causes," and "consequences" of such violations.<sup>9</sup> "Ultimately," the report states, "it is hoped that the work of the commission can help a society understand and acknowledge a contested or denied history, and in doing so bring the voices and stories of victims, often hidden from public view, to the public at large."<sup>10</sup> Truth commissions, therefore, must be both comprehensive and context-specific. The United Nations notes that truth commissions should also work to prevent further violations and abuses by providing "specific recommendations for institutional and policy reforms."<sup>11</sup> Additionally, Truth commissions should be temporary, as indefinite commissions "lose focus and momentum;" this also allows the commission to publish a comprehensive final report.<sup>12</sup>

The document then highlights important considerations that must be taken into account to address stakeholders' expectations of how the commission will function. Reconciliation, of which a truth commission is only one part, is "usually a very long and slow process."<sup>13</sup> Therefore, governments must avoid statements or actions that would raise "undue and unfair expectations among the victims that they, or the country as a whole, will or should feel quickly 'reconciled' as a result of knowing the truth about unspeakable past atrocities—or, in some cases, receiving official acknowledgement of a truth that they already knew" when establishing truth commissions.<sup>14</sup> Stakeholders also must have accurate expectations of the direct result of these commissions. While truth commissions often conclude that economic reparations are a

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<sup>8</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.

<sup>9</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.

<sup>10</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.

<sup>11</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.

<sup>12</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 8, 19.

<sup>13</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.

<sup>14</sup> United Nations High Commissioner for Human Rights, (New York: United Nations, 2006), 2.



In addition, the Canadian government has allocated over \$7 million in order to commemorate the history of the residential schools as well as educating the greater Canadian population of the legacy of the school system.<sup>24</sup>

This section of the report highlights truth commissions established at the state and municipal level in the United States. The report focuses on the work done by the Maine and North Dakota state legislatures because of their focus on indigenous peoples, but Maryland's state legislature has also established its own truth and reconciliation commission to address the state's history of lynching.<sup>25</sup> In addition to the commissions formed by Greensboro and Asheville, which are highlighted in this report, district attorneys from cities such as Boston, Philadelphia, and San

the education and healing processes.<sup>29</sup>



