

## R2P and Outcomes of the Human Rights Council 36<sup>th</sup> Session

The 36th regular session of the Human Rights Council (HRC) was held in Geneva between the 11 and 29 September 2017. As the primary international human rights body, the Human Rights Council has the capacity to provide early warning regarding potential mass atrocity crimes, as systematic violations and abuses of human rights can be an indicator of potential war crimes, crimes against humanity, genocide or ethnic cleansing. The summary below highlights outcomes and relevant interactive dialogues from the 36th session as they relate to the Responsibility to Protect (R2P) populations from such crimes. In addition, as part of the 36th session, Rwanda delivered a statement on behalf of the fifty members of the Group of Friends of R2P during the discussion of Item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.

### RESOLUTIONS

#### ***A/HRC/36/L.8 Technical assistance and capacity building for Yemen in the field of human rights***

The HRC requested the High Commissioner for Human Rights to establish by the end of 2017 a group of eminent international and regional experts for a period of at least one year to monitor and report on the human rights situation in Yemen and to carry out a comprehensive examination of all alleged violations and abuses of international law. The group of experts shall identify those responsible for violations and make recommendations on improving respect for and protection and fulfilment of human rights. The HRC stressed the importance of the group of experts to provide guidance on access to justice, accountability, reconciliation and healing; supporting national, regional and international efforts to promote accountability for human rights abuses in Yemen. The resolution was adopted by consensus.

#### ***A/HRC/36/L.9 Rev.1 Renewal of the mandate of the Commission of Inquiry on Burundi***

Expressing concern regarding the findings of the Commission of Inquiry on Burundi, the HRC extended the mandate of the Commission for a period of one year in order to continue and deepen its investigations. The Commission shall present an oral briefing to the HRC at its 37th and 38th sessions, in addition to a final report during an interactive dialogue at its 39th session and the 73rd session of the General Assembly. The resolution was adopted by a vote of 22 in favour and 11 against, with 14 abstentions.

#### ***A/HRC/36/L.19 Technical assistance and capacity building to improve human rights in the Sudan***

The HRC decided to renew the mandate of the Independent Expert for one year, and requested him to present a report to the HRC on the implementation of his mandate at its 39th session. The HRC also called upon the Government of the Sudan to continue to cooperate with the Independent Expert and to permit effective access to visit all areas of the country. The resolution was adopted by consensus.

#### ***A/HRC/36/L.22 The human rights situation in the Syrian Arab Republic***

The HRC emphasized the Syrian Arab Republic's responsibility to protect its population and expressed its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the HRC in its Resolution S-17/1 of 23 August 2011. The HRC further highlighted the lack of cooperation by the Syrian authorities with the Commission. The HRC strongly condemned the violations of the human rights of children in the Syrian Arab Republic and decided to convene a high-level panel discussion at its 37th session, in consultation with the Commission.

The HRC welcomed the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly via Resolution 71/248 of 21 December 2016, and the recent appointment of the Head of the Mechanism. The resolution was adopted by a vote of 27 in favour and 7 against, with 13 abstentions. The resolution included language demanding: “that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities.”

***A/HRC/36/L.31 Rev.1 Extension of the mandate of the independent international fact-finding mission on Myanmar***

The HRC decided to extend the mandate of the independent international fact-finding mission to establish the facts and circumstances of alleged recent human rights violations by the military in Myanmar. It requested that the fact-finding mission present an oral update, to be followed by an interactive dialogue with the HRC at its 37th session. The resolution was adopted by consensus.

***A/HRC/36/L.33 Technical assistance and capacity-building to improve the situation of human rights in Burundi***

The HRC requested the Office of the High Commissioner for Human Rights (OHCHR) to urgently dispatch a team of three experts to support the judicial authorities of Burundi in ensuring that perpetrators of any alleged human rights violations and abuses are held accountable by the national judicial authorities. The expert team shall collect and preserve information and determine the facts and circumstances of human rights violations and abuses, and make recommendations for technical assistance and capacity building to improve the human rights situation in Burundi. The resolution was adopted by a vote of 23 in favour and 14 against, with 9 abstentions.

***A/HRC/36/L.34 Rev.1 Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo***

The HRC requested OHCHR give an oral update on the situation of human rights in the Democratic Republic of the Congo at the HRC's 37th and 38th sessions, in an enhanced interactive dialogue. OHCHR shall also prepare a comprehensive report on the situation of human rights in the DRC, including in the context of the electoral process, and present it to the HRC at its 39th session. The resolution was adopted by a vote of 45 in favour and 1 against, with 1 abstention. The resolution “*recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory”

## **INTERACTIVE DIALOGUES, DEBATES AND UNIVERSAL PERIODIC REVIEWS**

### *Country-specific*

- Interactive dialogue with the Independent International Commission of Inquiry on Syria (Summary)
- Enhanced interactive dialogue on the situation of human rights in South Sudan (Summary)
- Interactive dialogue with the Independent International Fact-Finding Mission on Myanmar (Summary)
- Interactive dialogue with the Commission of Inquiry on Burundi (Summary)
- General debate on the human rights situation in Palestine and other occupied Arab territories (Summary)
- Enhanced interactive dialogue on the situation of human rights in the Democratic Republic of the Congo (Summary)
- Interactive dialogue with the Independent Expert on the situation of human rights in Somalia (Summary)
- Interactive dialogue on the oral update of the High Commissioner for Human Rights on the situation of human rights in Libya (Summary)
- Interactive dialogue with the Independent Expert on the situation of human rights in Sudan (Summary)
- Interactive dialogue with the Independent Expert on the situation of human rights in the Central African Republic (Summary)
- General debate on technical assistance and capacity building, hearing the presentation of the Report of the UN High Commissioner for Human Rights on the situation of human rights in Yemen, including violations and abuses since September 2014 (Summary)
- Outcome of the Universal Periodic Review of the Philippines (Summary)

## *Thematic*

- Clustered interactive dialogue with the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence and the Chairperson of the Working Group on enforced or involuntary disappearances (Summary)

## **ESTABLISHMENT AND EXTENSION OF COMMISSIONS OF INQUIRY AND SPECIAL PROCEDURES**

The HRC renewed the mandates of:

- The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. The Special Rapporteur was mandated to “further explore the contribution of transitional justice to the prevention of gross violations of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity and their recurrence.”
- The Independent Expert on the situation of human rights in the Central African Republic
- The Independent Expert on the situation of human rights in the Sudan
- The Independent Expert on the situation of human rights in Somalia

**ANNEX – Statement by the Group of Friends of the Responsibility to Protect re: HRC Item 2**

**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**12 September 2017**

Mr. President,

I have the honour to deliver this statement on behalf of the Group of Friends of the Responsibility to Protect.

We thank the High Commissioner and his Office for their strong voice and advocacy for the promotion and protection of human rights and we encourage them to continue to mainstream RtoP in their work.

The protection of human rights and the prevention of human rights violations contribute to the prevention of mass atrocity crimes. The United Nations Human Rights Mechanisms are particularly well placed to contribute to that objective as they are focused on improving the compliance of States with international human rights obligations and commitments. By addressing specific situations of concern, reviewing the obligations and commitments of States, engaging with Member States on issues relating to their mandates, and making recommendations for action, the Human Rights Mechanisms play an important role in advancing preventive action, including as an early-warning tool, in ways that can contribute to States' efforts to advance their responsibility to protect.

The Human Rights Council protects human rights, promotes prevention and advances RtoP in at least three ways and in accordance with the Council's prevention mandate based on paragraph 5f of General Assembly Resolution 60/251; it provides technical assistance and capacity-building to help States protect their populations, it encourages and enables States to address widespread violations and abuses of human rights before they reach the level of mass atrocities, and it authorises investigations when mass atrocities may have been committed to report on them, prevent their recurrence and help strengthen accountability. In this regard, we also welcome the Secretary-General's 9th annual report on Implementing the Responsibility to Protect: Accountability for Prevention, which underscores that RtoP is a key element of the Secretary-General's prevention agenda.

The Universal Periodic Review could be a useful mechanism that provides an opportunity for States to assess longer term mass atrocity risks and mobilise support to mitigate them, including through the provision of technical assistance and capacity building. As this year's Secretary-General report on RtoP notes, "Introducing an atrocity prevention lens to the UPR would help ensure that underlying risks are identified early, facilitate remedial action by national governments and promote international assistance".

Mr. President,

The international community should assist States in protecting human rights and promoting prevention, including exercising their responsibility to protect. Several countries that have experienced mass atrocity crimes receive technical assistance and capacity-building, including Cambodia, Yemen, the Central African Republic and Sudan. To strengthen this aspect of the Council's preventive work, we should take into consideration the needs and concerns of the State receiving assistance and be ready to offer long-term and sustainable support.

Mr. President,

While the mechanisms of this Council serve important early warning functions, when mass atrocities may occur or in their immediate aftermath, independent investigations mandated by this Council shine a light on reports of crimes allegedly perpetrated against populations by collecting evidence, identifying potential perpetrators, and offering options to address the abuses. Among others, mechanisms have been mandated for Syria, Burundi and Myanmar, and we urge all relevant States to cooperate fully with the relevant mechanisms.

Thank you.