

R2P and Outcomes of the Human Rights Council 37th Session

The 37th regular session of the Human Rights Council (HRC) was held in Geneva between the 26 February and 23 March 2018. As the primary international human rights body, the Human Rights Council has the capacity to prevent and respond to mass atrocity crimes, as systematic violations and abuses of human rights can be an indicator of potential genocide, war crimes, crimes against humanity or ethnic cleansing. The summary below highlights major outcomes and relevant dialogues from the 37th session as they relate to the Responsibility to Protect (R2P) populations from such crimes. As part of the session, the Netherlands and Rwanda delivered two statements on behalf of the fifty-one members of the Group of Friends of R2P.

RESOLUTIONS

A/HRC/37/L.1 The deteriorating situation of human rights in Eastern Ghouta, in the Syrian Arab Republic

The HRC, during an urgent debate to discuss the deteriorating situation of human rights in Eastern Ghouta, strongly condemned all violations of international humanitarian law, including the sustained denial of humanitarian access, the repeated attacks against medical facilities and other civilian infrastructure and the use of chemical weapons by the Syrian authorities against civilians. The HRC requested the Independent International Commission of Inquiry on the Syrian Arab Republic to urgently conduct a comprehensive and independent inquiry into the recent events in Eastern Ghouta, and to provide an update followed by an interactive dialogue on the situation to the HRC at its thirty-eighth session. The Resolution was adopted by a vote of 29 in favour, 4 against, and 14 abstentions. The resolution “calls upon all parties, in particular the Syrian authorities, to meet their responsibility to protect the Syrian population and to end immediately all attacks against civilians in Eastern Ghouta.”

A/HRC/37/L.29 Situation of human rights in the Democratic People’s Republic of Korea

The HRC expressed deep concern about the systematic, widespread and gross human rights violations in the Democratic People’s Republic of Korea that, in many instances, constitute crimes against humanity. The HRC decided to extend the mandate of the Special Rapporteur for a period of one year and requested the Office of the High Commissioner to report on its follow up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People’s Republic of Korea. The resolution “recalls the responsibility of the Democratic People’s Republic of Korea to protect its population from crimes against humanity” and was adopted without a vote.

A/HRC/37/L.38 The human rights situation in the Syrian Arab Republic

The HRC welcomed the establishment of the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for mass atrocity crimes. Expressing concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, the HRC decided to extend the Commission’s mandate for one year and requested the Commission of Inquiry to provide an oral update to the HRC during the interactive dialogue at its thirty-eighth session, and to present an updated written report during an interactive dialogue at the thirty-ninth and fortieth sessions. The resolution was adopted by a vote of 27 in favour, 4 against, and 16 abstentions. The resolution “demands that the Syrian authorities meet their responsibility to protect the Syrian population” and “stresses that the primary responsibility to protect the Syrian population lies with the Syrian authorities.”

A/HRC/37/L.40 Situation of human rights in South Sudan

Alarmed by the report of the Commission on Human Rights in South Sudan, which states that some of the human rights violations may amount to war crimes and crimes against humanity, the HRC decided to extend the mandate of the Commission on Human Rights, composed of three members, for a period of one year. The HRC further requested the Commission on Human Rights to present an oral update to the HRC at its thirty-ninth session in an interactive dialogue, and to present a comprehensive written report, in an interactive dialogue, to the HRC at its fortieth session. The resolution was adopted without a vote. The resolution “recalls that the Government of South Sudan has the responsibility to protect all of its population in the country from genocide, war crimes, ethnic cleansing and crimes against humanity.”

A/HRC/37/L.43 Situation of human rights in Myanmar

The HRC welcomed the work of the Independent International Fact-Finding Mission and the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar. Further, the HRC welcomed the adoption of General Assembly resolution 72/248, in which the Assembly requested the Secretary-General to appoint a special envoy on Myanmar. The HRC also decided to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year and requested the Special Rapporteur to present an oral progress report to the HRC at its thirty-eighth session. The resolution was adopted by a vote of 32 in favour, 5 against, and 10 abstentions.

A/HRC/37/L.44 Prevention of genocide

The HRC reaffirmed its full support for the mandate of the Special Adviser to the Secretary General on the Prevention of Genocide. The HRC further encouraged states to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and sub regional mechanisms. The HRC also urged all states to implement accepted universal periodic review recommendations related to the prevention of genocide, war crimes and crimes against humanity and requested the Office of the High Commissioner to prepare a summary report on the high-level panel discussion and to submit it to the HRC at its fortieth session. The resolution was adopted without a vote. The resolution “reiterates the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means.”

A/HRC/37/L.47 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

Expressing grave concern about the continuing violation of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the HRC stressed the need for an international presence to monitor the situation and called for urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory. The resolution was adopted by a vote of 41 in favour, 3 against, and 2 abstentions.

INTERACTIVE DIALOGUES, DEBATES AND UNIVERSAL PERIODIC REVIEWS

Country-specific

- Urgent debate on the situation in Syria’s Eastern Ghouta (Summary)
- Interactive dialogue with the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea (Summary)
- Clustered interactive dialogue with the Independent International Fact-Finding Mission and the Special Rapporteur on the situation of human rights in Myanmar (Summary)
- High-level panel discussion on violations of the human rights of children in Syria (Summary)
- Interactive dialogue with the Independent International Commission of Inquiry on Syria (Summary)
- Interactive dialogue with the Commission on Human Rights in South Sudan (Summary)
- Interactive dialogue with the Commission of Inquiry on Burundi (Summary)
- Interactive dialogue with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (Summary)
- General debate on the situation of human rights in Palestine and other occupied Arab territories (Summary)
- Enhanced dialogue on the human rights situation in the Democratic Republic of the Congo (Summary)
- High-level interactive dialogue on the situation of human rights in the Central African Republic (Summary)
- Outcomes of the Universal Periodic Review of Czech Republic and Argentina (Summary)

- Outcomes of the Universal Periodic Review of Ghana and Peru (Summary)
- Outcomes of the Universal Periodic Review of Guatemala, Switzerland and the Republic of Korea (Summary)
- Outcomes of the Universal Periodic Review of Japan (Summary)

Thematic

- Clustered interactive dialogue with the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence and the Special Adviser on the Prevention of Genocide (Summary)

ESTABLISHMENT AND EXTENSION OF COMMISSIONS OF INQUIRY AND SPECIAL PROCEDURES

The HRC renewed the mandates of:

- The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
- The Independent International Commission of Inquiry on the Syrian Arab Republic
- The Commission on Human Rights in South Sudan
- The Special Rapporteur on the situation of human rights in Myanmar

The HRC appointed Fabián Salvioli (Argentina) as the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

ANNEX 1 – Statement by the Group of Friends of the Responsibility to Protect re: HRC Item 3

Interactive dialogue on the joint study of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser of the Secretary-General on the Prevention of Genocide on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence

2 March 2018

Mr. President,

I have the honour to deliver this statement on behalf of the Group of Friends of R2P.

We thank the Special Rapporteur and the Special Adviser of the Secretary-General for their substantive joint study.

Preventing genocide, war crimes, crimes against humanity and ethnic cleansing is the *raison d'être* of R2P. The report underlines that violations and abuses of human rights can lead to atrocities and related crimes. We appreciate the unpacking in the joint study of the objectives of atrocity prevention and the place of transitional justice processes in this context.

We also appreciate the many examples of the usefulness of the Framework of Analysis for Atrocity Crimes, produced by the Joint Office for Genocide Prevention and the Responsibility to Protect.

Mr. Special Rapporteur, Mr. Special Adviser of the Secretary-General,

You note that expertise on prevention is scattered across various disciplines. You propose a framework approach in order to strengthen upstream prevention. How should the UN go about it and what role do you propose for the HRC?

You recommend a joint assessment of the vulnerability of each country to atrocities at the country level. We acknowledge that this recommendation is sensitive to the fact that each situation is context-specific. Likewise, you recommend that a comprehensive prevention framework should be developed. In practice, which entity within the UN system should have the lead, especially if this recommendation is not universally accepted by states? Is there merit in assisting States in assessing their vulnerability to atrocities?

Thank you.

ANNEX 2 – 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

8 March 2018

Mr. President,

I have the honour to deliver this statement on behalf of the 51 members of the Group of Friends of the Responsibility to Protect.

We thank the High Commissioner and his Office for their tireless efforts to promote and protect human rights. The reports and regular updates of the High Commissioner are of fundamental importance to shed light on violations and abuses of human rights, which, if not tackled effectively and immediately, may reach the level of mass atrocities. The work of OHCHR can play an essential role in early warning and contribute to the prevention of genocide, war crimes, crimes against humanity and ethnic cleansing. We therefore strongly encourage the High Commissioner and his Office to continue assisting the international community to fulfil its responsibility to protect and to prevent mass atrocity crimes in accordance with his mandate.

We further call upon the High Commissioner to continue highlighting gross human rights violations, which is crucial in ensuring the international community puts human rights up front and can help us to mobilize action when we see an emerging risk of mass atrocities.

The UN Human Rights Council and its mechanisms provide additional opportunities for preventive action including through highlighting country-specific and thematic situations of concern and strengthening the compliance of States with their obligations under international human rights law. In addition, technical assistance and capacity building can allow states to build sustainable security situations and strengthen their resilience to risk of mass atrocities.

The various mechanisms also play a crucial role in the aftermath of mass atrocity crimes. They provide the basis for accountability processes which may help deter the recurrence of mass atrocities and related crimes and can play a significant role in providing access to truth as well as, potentially, justice, reconciliation and healing.

Mr. President,

The Secretary General's focus on prevention highlights the intrinsic link between the work of the Human Rights Council and its mechanisms and the prevention of mass atrocity crimes. In that regard, we strongly encourage the Council to deepen its engagement with the Joint Office for the Prevention of Genocide and the Responsibility to Protect, and to make use of the Framework of Analysis for Atrocity Crimes as appropriate, which is a useful tool for monitoring situations of risk.

The Group of Friends of RtoP welcomes the inclusion of RtoP in the agenda of the 72nd General Assembly, which is an important step in advancing and promoting RtoP in the UN system.

Mr. President,

The annual reports provided by the High Commissioner play a critical role in raising awareness and speaking out on violations and abuses of human rights. The international community should make use of this information and engage in better and more timely preventive action in accordance with the UN Charter.

Thank you.