

R2P and Outcomes of the Human Rights Council 38th Session

The 38th regular session of the Human Rights Council (HRC) was held in Geneva between 18 June and 6 July 2018. As the primary international human rights body, the Human Rights Council has the capacity to prevent and respond to potential mass atrocity crimes. The summary below highlights major outcomes and relevant dialogues from the 38th session as they relate to the Responsibility to Protect (R2P) populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. As part of the session, the Netherlands and Australia delivered two statements on behalf of the 51 members of the Group of Friends of R2P.

RESOLUTIONS

A/HRC/38/L.8 Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions

The HRC requested the High Commissioner dispatch a team of two international human rights experts to report on the implementation by the Democratic Republic of the Congo of the recommendations of the previous team of experts, with a particular focus on the fight against impunity and reconciliation efforts. The HRC further asked the High Commissioner to present an oral update on the situation of human rights in the Kasai regions and participate in an enhanced interactive dialogue at its 40th session. The resolution was adopted without a vote.

A/HRC/38/L.15/Rev.1 The situation of human rights in Eritrea

The HRC decided to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year and requested the Special Rapporteur to present a written report to the HRC at its 41st session. The HRC further asked the Special Rapporteur to participate in an interactive dialogue with the General Assembly on her report at its 73rd session and requested the Special Rapporteur to, where feasible, develop an action plan for the implementation of benchmarks for progress to improve the human rights situation in Eritrea. The HRC further agreed to hold an enhanced interactive dialogue on the situation of human rights in Eritrea at its 40th session. The resolution was adopted without a vote.

A/HRC/38/L.20 The human rights situation in the Syrian Arab Republic

The HRC urged all parties to the conflict in Syria to strictly adhere to their obligations under international humanitarian and human rights law, and demanded that all parties refrain from targeted attacks against the civilian population. The HRC also demanded that all parties immediately halt the use of chemical weapons and stressed the importance of establishing appropriate accountability, truth and justice mechanisms for victims of gross violations and abuses of international law. It further demanded that all parties undertake all necessary steps to achieve a genuine political transition based on the Geneva communiqué and Security Council Resolution 2254 (2015), within the framework of the UN-led intra-Syrian talks. The resolution was adopted by a vote of 26 in favor, 5 against and 15 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.”

OUTCOMES OF INTERACTIVE DIALOGUES, DEBATES AND UNIVERSAL PERIODIC REVIEWS

Country-specific

- Interactive dialogue with the Special Rapporteur on Eritrea ([Summary](#))
- Interactive dialogue with the Commission of Inquiry on the Syrian Arab Republic ([Summary](#))
- Interactive dialogue with the Commission of Inquiry on Burundi ([Summary](#))
- Interactive dialogue with the Special Rapporteur on Myanmar ([Summary](#))
- Enhanced interactive dialogue on the Democratic Republic of the Congo ([Summary](#))
- Interactive dialogue with the Independent Expert on the situation of human rights in Central African Republic ([Summary](#))
- Interactive dialogue with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar ([Summary](#))
- General debate on the human rights situation in Palestine and other occupied Arab territories ([Summary](#))
- Outcomes of the Universal Periodic Review of France, Romania and Mali ([Summary](#))
- Outcomes of the Universal Periodic Review of Botswana and Burundi ([Summary](#))
- Outcomes of the Universal Periodic Review of Luxembourg and Montenegro ([Summary](#))
- Outcomes of the Universal Periodic Review of Israel and Liechtenstein ([Summary](#))

Thematic

- General Debate on human rights situations that require the Council's attention ([Summary](#))

ESTABLISHMENT AND EXTENSION OF COMMISSIONS OF INQUIRY AND SPECIAL PROCEDURES

The HRC renewed the mandate of the Special Rapporteur on situation of human rights in Eritrea.

ANNEX I – Statement by the Group of Friends of the Responsibility to Protect re: 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

19 June 2018

Mr. President,

I have the honor 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 for Human Rights for his tireless efforts to promote and protect human rights and for his strong voice on situations where his Office observed evidence of alleged atrocities. We call upon the next High Commissioner, in accordance with his or her mandate, to continue highlighting gross human rights violations and abuses and assisting the international community to fulfill its responsibility to protect and prevent atrocities.

The reports and updates of the High Commissioner and his Office, as well as of special procedures mandate-holders, can constitute early warning tools that should prompt States to prevent genocide, war crimes, crimes against humanity and ethnic cleansing both nationally and internationally. By addressing specific situations of concern, reviewing the human rights situations in States via the Universal Periodic Review, and making recommendations for action, the Human Rights Council and its mechanisms also play an important role in advancing the prevention of mass atrocities.

Mr. President,

Later this year the international community will observe the seventieth anniversaries of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as the twentieth anniversary of the Rome Statute. Respect for the rule of law is especially important at a time when the basic tenets of international law are being violated by state and non-state actors.

As we reflect upon the international community's efforts to uphold the Universal Declaration and the Genocide Convention, we acknowledge the important role played by human rights mechanisms and independent investigations mandated by this Council in documenting gross violations and abuses of human rights, identifying those responsible, and offering options to address them and prevent them from reoccurring.

In that regard, the Group of Friends of R2P notes the Human Rights Council's attention at its 38th session to the situation of the Rohingya in Myanmar, the situation in Syria, and the situation in the Kasai regions of the Democratic Republic of the Congo.

Mr. President,

Nearly 66 million people are currently displaced by conflict, persecution and mass atrocities. As the international community faces this global refugee and displacement crisis, we have witnessed worrying rising signs of xenophobia and incitement to violence based upon identity. As the UN Framework of Analysis for mass atrocity crimes notes, discriminatory and exclusionary practices or policies, as well as acts of incitement or hate propaganda targeting particular groups or individuals, may serve as a warning sign of mass atrocity risks. We acknowledge the preventative role of human rights mechanisms, including special procedures mandate-holders, in raising awareness of these risks in accordance with their mandates and encourage Member States to highlight national best practices for addressing racism, racial discrimination and rising levels of xenophobia and incitement to hate crimes while fully respecting human rights in their submissions to the Universal Periodic Review.

Mr President,

The Group of Friends of R2P welcomes next week's General Assembly Debate on the Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing, and crimes against humanity. We call on Member States to consider the formal inclusion of the Responsibility to Protect, including its full implementation, on the agenda of the UN General Assembly to enable its continued consideration in accordance with General Assembly resolution A/RES/63/308. We further welcome the 10th annual report of the Secretary-General on the Responsibility to Protect,

“From early warning to early action,” and strongly encourage Member States to highlight the critical role that the High Commissioner, the Human Rights Council and its mechanisms can play in providing early warning and mobilizing a response in accordance to their mandates.

The international community should continue to prioritise early warning and early action on preventing human rights violations and violent conflict in accordance with the UN Charter.

Thank you.

Annex 2 - Group of Friends of the Responsibility to Protect Statement re: Item 10- Annual thematic panel discussion on technical cooperation in the promotion and protection of human rights

4 July 2018

Mr. President,

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

We welcome this discussion on the complementary and mutually-reinforcing relationship between human rights, peace and security and the Sustainable Development Goals, and the role UN human rights mechanisms can play in contributing to the achievement of the SDGs.

Realisation of the SDGs will not be possible without addressing human rights violations that persist in many places around the world. Too many times we have seen a State's development not only hindered, but reversed by ethnic cleansing, genocide, war crimes and/or crimes against humanity.

Widespread and systematic violations of human rights, including marginalisation of and discrimination against specific groups or individuals, often serve as an early warning of the potential for such crimes. Violations and discrimination faced by women and girls not only show disregard for the international principles of non-discrimination and equality, but also prevent states from reaching their targets under the SDG agenda.

The principles of R2P are well established. These principles empower States to take action, consistent with international law, to prevent atrocity crimes. The toolbox for such action is wide-ranging. Pursuit of the 2030 Agenda for Sustainable Development – which promotes the idea of 'leaving no one behind' and envisages a world free of fear and violence – is a key part of that toolbox.

As the head of UNDP recently noted, many of the underlying causes for invoking R2P can be found in failures of development. These include failures of governance, discrimination and forms of radicalisation that lead to conflict.

Addressing these failures and building more resilient societies are critical elements of States' efforts to prevent atrocity crimes. They require, among other things, respect for the rule of law and respect, protection and fulfilment of all human rights without discrimination. Legitimate and accountable national institutions, good governance, and an approach that supports diversity, a strong civil society and a pluralistic media are key.

The link between the SDGs and such resilience is clear. Goal 16 specifically addresses the promotion of peaceful, just and inclusive societies by providing access to justice for all and building effective, accountable and inclusive institutions. Goal 4 addresses the importance of ensuring inclusive and quality education, an essential objective for improving the lives of future generations and building cohesive societies.

Bringing an end to human rights violations and atrocity crimes, and ensuring transitional justice, accountability and non-recurrence, is essential for investing in the kind of social renewal and institutional capacity-building essential to the achievement of the SDGs.

That is why today we stress the key role of the Human Rights Council and other UN Human Rights mechanisms in supporting technical assistance and capacity-building work towards the prevention of atrocity crimes. The second pillar of the Responsibility to Protect highlights that "The international community has a responsibility to encourage and assist States in fulfilling this responsibility".

We wish to underline the importance of technical cooperation, aimed at assisting States, upon their request, in building and strengthening national capacities that have a direct impact on the observance, respect and enjoyment of human rights by everyone.

The activities undertaken through OHCHR's field presences can contribute to assisting States to take appropriate legislative, administrative and other measures, to prevent human rights violations and their potential escalation into atrocity crimes or conflict. The integration of a human rights perspective into the work of UN Country Teams

and United Nations peace missions, within their respective mandates, is important for the prevention of gross violations of human rights that can potentially lead to atrocity crimes.

We urge the Office of the High Commissioner for Human Rights to continue to strengthen this preventative capacity, and we encourage states to fully cooperate with the Council, the Office of the High Commissioner for Human Rights, and Special procedures mandate holders.

Thank you.