

Atrocity Prevention and Outcomes of the Human Rights Council's 45th Session

The 45th regular session of the UN Human Rights Council (HRC) was held between 14 September and 7 October 2020. 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 a potential indicator of genocide, war crimes, crimes against humanity or ethnic cleansing. The summary below highlights major outcomes and relevant dialogues from the 45th session as they relate to the Responsibility to Protect populations from such crimes.

RESOLUTIONS

A/HRC/45/L.25 Human rights situation in Yemen

The HRC expressed grave concern about ongoing violations of international humanitarian law and violations and abuses of human rights in Yemen, including attacks on humanitarian workers, civilians and civilian infrastructure, such as medical facilities and schools. The HRC urged all states to refrain from transferring arms to any party to the conflict when they assess an overriding risk that those arms could be used to commit or facilitate serious violations of human rights law or International Humanitarian Law (IHL). The HRC decided to renew the mandate of the Group of Eminent International and Regional Experts (GEE) for a period of one year with a mandate that includes the collection, preservation and analysis of information and, where possible, identify those responsible for violations and abuses of international law. The HRC also authorized the GEE to recommend accountability mechanisms to secure truth, justice and redress for victims. The HRC requested the GEE present a comprehensive written report at its 48th session. The HRC further decided to transmit the report to the General Assembly and recommended that it share the report with all relevant UN bodies. The HRC further requested the GEE present an oral update on the situation of human rights in Yemen at its forty-sixth session. The resolution was adopted by a vote of 22 in favor, 12 against and 12 abstentions.

A/HRC/45/L.31 Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

The HRC acknowledged that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of gross violations of human rights and serious violations of IHL. The HRC noted the joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of IHL - including genocide, war crimes, ethnic cleansing and crimes against humanity - prepared by the Special Rapporteur and the UN Special Adviser on the Prevention of Genocide. The HRC extended the mandate of the Special Rapporteur for a period of three years. The HRC further requested the Special Rapporteur continue to report annually to the HRC and General Assembly. The resolution was adopted without a vote.

A/HRC/45/L.36/Rev.1 Situation of human rights in Burundi

The HRC stressed the primary responsibility of the government of Burundi for protecting its population in compliance with International Human Rights Law (IHRL) and IHL. Expressing utmost appreciation for the work of the Commission of Inquiry (CoI) on Burundi, the HRC deplored the persistent refusal by the government to cooperate with the CoI, its decision to declare the three members of the CoI *personae non gratae* and its dismissal of the CoI's findings.

The HRC recommended the General Assembly transmit the report of the CoI to relevant UN bodies for their consideration and appropriate action. The HRC decided to extend the mandate of the CoI for one year in order for it to continue its investigations and also requested the CoI present an oral update to the HRC at its 46th session. The HRC also requested the CoI present a comprehensive written report to the HRC at its 48th session and to the General Assembly at its 76th session. The resolution was adopted by a vote of 24 in favor, 6 against and 17 abstentions.

A/HRC/45/L.40 Technical assistance and capacity-building to further improve human rights in the Sudan

The HRC welcomed positive steps taken by the Transitional Government of Sudan in introducing legal reforms, rebuilding and developing the justice system and ensuring the independence of the judiciary and the rule of law. The HRC also noted the close cooperation between the government of Sudan and the country office of the Office of the High Commissioner for Human Rights (OHCHR), as well as the work of the Independent Expert on the situation of human rights in the Sudan. The HRC welcomed the establishment and operation of a fully mandated OHCHR country office in Sudan since 26 December 2019. The HRC requested the High Commissioner prepare a written report containing an assessment of the progress made and the challenges remaining and present it to the HRC at its 48th session. The HRC further decided to end the mandate of the Independent Expert. The resolution was adopted without a vote.

A/HRC/45/L.43/Rev.1 Situation of human rights in the Bolivarian Republic of Venezuela

The HRC expressed profound alarm that the Independent International Fact-Finding Mission on Venezuela (FFM) found reasonable grounds to believe that crimes against humanity were committed since 2014. The HRC decided to transmit all reports and oral updates of the High Commissioner and the report of the FFM to the General Assembly. The HRC requested the High Commissioner present oral updates to the HRC at its 46th and 49th sessions and to prepare comprehensive written reports to present to the HRC at its 47th and 50th sessions. The HRC decided to extend the mandate of the FFM for a period of two years, to enable the mission to continue to investigate gross violations of human rights, including extrajudicial executions, enforced disappearances, arbitrary detention, torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence. The HRC requested the FFM present oral updates during interactive dialogues at the 46th and 49th sessions of the HRC and to prepare written reports on its findings to be presented to the HRC during interactive dialogues at its 48th and 51st sessions. The HRC decided to consider further measures, including the establishment of a CoI, if the situation continues to deteriorate or if the Venezuelan authorities do not cooperate meaningfully with OHCHR, the FFM and the special procedures. The resolution was adopted by a vote of 22 in favor, 3 against and 22 abstentions.

A/HRC/45/L.45 Situation of human rights in the Syrian Arab Republic

The HRC took note of the recent findings of the CoI on the Syrian Arab Republic that there are reasonable grounds to believe the Syrian authorities, in pursuance of state policy, have continued to perpetrate crimes against humanity, enforced disappearance, murder, torture and sexual violence. The HRC highlighted the urgent call by the CoI for all parties to immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention, to cease all forms of incommunicado detention and release all persons arbitrarily detained. The HRC demanded that all parties desist immediately from any use of chemical weapons. The HRC expressed regret regarding the reduction in approved access points for cross-border humanitarian aid and its impact on vulnerable populations. In this regard the HRC demanded that the Syrian authorities and their allies facilitate full, timely, immediate, unrestricted and safe humanitarian access. The HRC demanded that “the Syrian authorities meet their responsibility to protect the Syrian population.” The resolution was adopted by a vote of 27 in favor, 1 against and 19 abstentions.

A/HRC/45/L.51 Technical assistance and capacity building for Yemen in the field of human rights

Welcoming the cooperation between the government of Yemen and OHCHR and other relevant UN bodies and mechanisms, the HRC expressed deep concern at the serious human rights abuses and violations of IHL and IHRL in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, recruitment of children, abduction of political activists, violations against journalists, killing of civilians, prevention of access for relief and humanitarian aid, persecution on the basis of religion or belief, cutting of electricity and water supplies, and

attacks against hospitals and ambulances. The HRC requested the High Commissioner continue to provide substantive capacity-building and technical assistance to the government of Yemen and technical support to the National CoI to ensure that it continues to investigate allegations of violations and abuses committed by all parties to the conflict in line with international standards. The HRC also requested the High Commissioner present a written report on the implementation of technical assistance to the HRC at its 48th session. The resolution was adopted without a vote.

A/HRC/45/L.53 Technical assistance and capacity building in the field of human rights in the Democratic Republic of the Congo

The HRC expressed concern about the deteriorating security and human rights conditions in the eastern part of the Democratic Republic of the Congo (DRC). The HRC welcomed the report of the Team of International Experts on the situation in Kasai and took note of its conclusions and recommendations. The HRC decided to renew the mandate of the Team of International Experts and requested it provide an oral update to the HRC at its 46th session and present a final report during an interactive dialogue at its 48th session. The HRC further requested OHCHR provide technical assistance to the government in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses. The HRC requested the High Commissioner to present an oral update on the situation of human rights to the HRC at its 46th session. The HRC further requested the High Commissioner prepare a comprehensive report on the situation of human rights and to submit it to the HRC at its 48th session. The resolution was adopted without a vote.

A/HRC/45/L.54 Technical assistance and capacity building in the field of human rights in the Central African Republic

The HRC expressed deep concern at the security situation in the Central African Republic (CAR), noting violations of IHL and IHRL and the increasing use of hate speech and incitement to violence that would aggravate discrimination and social stigmatization. The HRC recalled that the international CoI tasked with investigating allegations of violations of IHL and IHRL concluded that the main parties to the conflict had committed violations and abuses that may constitute war crimes and crimes against humanity since January 2013. The HRC decided to renew the mandate of the Independent Expert on the situation of human rights in CAR for one year. The HRC further decided to organize a high-level interactive dialogue at its 46th session to assess the situation. The HRC further requested the Independent Expert provide an oral update on his report on technical assistance and capacity-building to the HRC at its 47th session and to submit a written report to the HRC at its 48th session. The resolution recalled that “the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity.” The resolution was adopted without a vote.

A/HRC/45/L.55/Rev. 1 Strengthening cooperation and technical assistance in the field of human rights in the Bolivarian Republic of Venezuela

The HRC recognized the increased cooperation of the government of Venezuela with the High Commissioner and her Office. The HRC welcomed the strengthened presence of OHCHR, in agreement with the government, and the progress made through technical cooperation. The HRC welcomed the establishment of a permanent presence of OHCHR under the terms established in the memorandum of understanding signed on 20 September 2019 and renewed on 14 September 2020, including the unlimited access granted by the government to all regions and detention centres and the strengthening of the judicial system and institutional mechanisms for the protection of human rights. The HRC requested the High Commissioner continue to engage with the government in addressing the situation of human rights and providing substantive capacity-building and technical assistance, and to present an oral update on the situation of human rights in the country to the HRC at its 46th session and a comprehensive written report to the HRC at its 48th. The resolution was adopted by a vote of 14 in favor, 7 against and 26 abstentions.

INTERACTIVE DIALOGUES, DEBATES AND UPR

Country-specific

- Oral updates by the High Commissioner on Nicaragua and Venezuela
- Enhanced Interactive Dialogue on the High Commissioner's report on Myanmar
- Interactive Dialogue on the report of the Independent Investigative Mechanism for Myanmar
- Interactive Dialogue with the Special Rapporteur on Myanmar

- Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic
- Interactive Dialogue with the Commission of Inquiry on Burundi
- Enhanced Interactive Dialogue with the Commission on Human Rights in South Sudan
- Interactive Dialogue with the Fact-Finding Mission on Venezuela
- Oral update by the High Commissioner on Venezuela, followed by General Debate on Item 4
- Interactive Dialogue on the report of the Group of Eminent Experts on Yemen
- Enhanced Interactive Dialogue on the High Commissioner's report on the DRC and final reports by the International Team of Experts on the Kasai region
- Interactive Dialogue with the Independent Expert on CAR
- Enhanced Interactive Dialogue on the report of the Independent Expert on Sudan
- Interactive Dialogue with the Fact-Finding Mission on Libya
- Presentation of the country report by the High Commissioner on Yemen, followed by General Debate on Item 10

Thematic

- Interactive dialogue with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

ESTABLISHMENT AND EXTENSION OF COMMISSIONS OF INQUIRY AND SPECIAL PROCEDURES

The HRC extended the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Independent Expert on the situation of human rights in CAR.

The HRC further extended the mandate of the GEE on Yemen, the International Team of Experts on the Kasai Region, the CoI on Burundi and the FFM on Venezuela.