

# Atrocity Prevention and Outcomes of the Human Rights Council's 47th Session

The 47<sup>th</sup> regular session of the Human Rights Council (HRC) was held in Geneva between 21 June and 14 July. 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 47<sup>th</sup> session as they relate to the Responsibility to Protect (R2P) populations from such crimes. As part of the session, the Netherlands delivered a statement on behalf of the Group of Friends of R2P.

## RESOLUTIONS

### ***A/HRC/47/L.6 Situation of human rights in the Syrian Arab Republic***

Expressing grave concern that the Syrian conflict has entered its second decade, the HRC recalled statements made by the UN Secretary-General and the High Commissioner for Human Rights that potential crimes against humanity and war crimes may have been committed. The HRC also recalled that the Commission of Inquiry on Syria found reasonable grounds to believe that Syrian authorities continue to carry out a widespread or systematic attack against the civilian population, including a policy of involuntary or enforced disappearance perpetrated by the security forces in order to spread fear and punish dissent. Emphasizing the vital work of Syrian organizations of victims, survivors and families working on the issue of missing persons, the HRC expressed support for efforts to compile a comprehensive, transparent record of all casualties of the conflict; acknowledged the importance of the work of such organization in enabling urgent access to information about those missing and disappeared; and emphasized the need for accountability and justice for the victims and their families. The HRC further encouraged all member states, relevant UN bodies, international organizations and civil society to coordinate efforts and focus attention on the issue of missing persons in Syria. The resolution demanded that “*the Syrian authorities meet their responsibility to Protect the Syrian population.*” The resolution was adopted by a vote of 26 in favor, 6 against and 15 abstentions.

### ***A/HRC/47/L.11 Situation of human rights of Rohingya Muslims and other minorities in Myanmar***

The HRC expressed deep regret of the continued non-cooperation of Myanmar with the Special Rapporteur on the situation of human rights in Myanmar and urged the country to grant full, unrestricted and unmonitored access to all UN mandate holders and human rights mechanisms. The HRC called upon Myanmar to combat incitement and hate speech against Rohingya Muslims and other minorities, and to end the internet and telecommunication shutdown in all areas of Myanmar. The HRC also called upon Myanmar to make serious efforts to eliminate statelessness and the systematic and institutionalized discrimination of members of ethnic and religious minorities, particularly Rohingya Muslims, and to rapidly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021. The HRC requested the High Commissioner for Human Rights monitor implementation of the recommendations made by the Fact-Finding Mission on Myanmar and to continue to track progress in the human rights situation with the support of specialist experts and in complementarity with the work of the Independent Mechanism for Myanmar and the Special Rapporteur. The HRC further requested the High Commissioner to present an oral update at the Council's 50<sup>th</sup> session and a written report at its 52<sup>nd</sup> session, each to be followed by an interactive dialogue, and a written report to the General Assembly at its 77<sup>th</sup> session. The HRC further

decided to hold a panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar at its 50<sup>th</sup> session and requested the High Commissioner submit a report on the panel discussion to the HRC at its 52<sup>nd</sup> session. The resolution was adopted without a vote.

### ***A/HRC/47/L.14 Situation of human rights in Eritrea***

The HRC expressed deep concern at ongoing human rights violations and abuses in Eritrea, as outlined by the Special Rapporteur on the situation of human rights in Eritrea in his report. The HRC requested the Office of the High Commissioner for Human Rights (OHCHR) present an oral update at the Council's 49<sup>th</sup> session on progress made regarding cooperation between Eritrea and OHCHR, and its impact on the human rights situation in the country. The HRC extended the mandate of the Special Rapporteur for a period of one year and requested the Special Rapporteur present an oral update at its 49<sup>th</sup> session during an interactive dialogue, and to present a report on the implementation of his mandate at the Council's 50<sup>th</sup> session and to the General Assembly at its 76<sup>th</sup> session. The HRC called upon Eritrea to cooperate fully with the Special Rapporteur, including by granting him access to the country and committing to making progress on the benchmarks proposed by the previous mandate holder. The resolution was adopted by a vote of 21 in favor, 13 against and 13 abstentions.

### ***A/HRC/47/L.20/Rev.1 Situation of human rights in the Tigray region of Ethiopia***

In its first resolution on the situation in Tigray, Ethiopia, the HRC expressed deep concern about the human rights situation since the outbreak of armed conflict last November. The HRC was particularly disturbed by allegations of human rights violations and abuses and violations of International Humanitarian Law (IHL) and refugee law, as well as reports indicating the participation of Eritrean troops in the conflict. The HRC also expressed concern about the deteriorating humanitarian situation in the Tigray region, including potential famine conditions, as well as about ongoing insecurity hampering humanitarian access. The HRC called for the swift and verifiable withdrawal of all Eritrean troops from Tigray and underscored the need to hold accountable all those responsible for human rights violations and abuses and violations of IHL. The HRC welcomed the joint investigation undertaken by OHCHR and the Ethiopian Human Rights Commission (EHRC) and requested that OHCHR, in consultation with the government of Ethiopia, provide advice and technical assistance in order to strengthen the capacity of the EHRC, as well as the criminal justice system and broader accountability and reconciliation processes. The HRC also requested the High Commissioner for Human Rights present an oral update at the Council's 48<sup>th</sup> session during an enhanced interactive dialogue and at its 49<sup>th</sup> session during an interactive dialogue. The resolution reiterated "*the responsibility of states (...) to protect their populations, in line with their commitments under international human rights law and international humanitarian law.*" The resolution was adopted by a vote of 20 in favor, 14 against and 13 abstentions.

## **RELEVANT INTERACTIVE DIALOGUES, DEBATES AND UPR**

- Interactive Dialogue with the Special Rapporteur on Eritrea
- Interactive Dialogue on the High Commissioner's report on Venezuela
- Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic
- Interactive Dialogue on the High Commissioner's oral update on Myanmar
- Interactive Dialogue with the Special Rapporteur on Myanmar
- Interactive Dialogue on the oral update of the Independent Expert on the Central African Republic
- Interactive Dialogue with the Special Rapporteur on the Occupied Palestinian Territory
- Interactive Dialogue on the Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
- Interactive Dialogue with the Special Adviser on the Prevention of Genocide

## **ANNEX 1 – Statement by the Group of Friends of the Responsibility to Protect re: Item 3 – Interactive Dialogue with Special Adviser on the Prevention of Genocide**

Madame President,

I have the honour to deliver this statement on behalf of members of the Group of Friends of the Responsibility to Protect (R2P). A list of co-sponsors is available on the Extranet.

We thank the UN Special Adviser on the Prevention of Genocide, Ms. Alice Wairimu Nderitu, for her continuous efforts and urge her, in line with her mandate, to expand and elevate the Joint Office's leadership to raise awareness on the causes and dynamics of genocide, to alert relevant actors in situations at risk and to mobilize the international community to take appropriate action to turn "never again" from a promise into reality.

The global COVID-19 pandemic has led to a further increase in stigmatisation, hate speech, xenophobia and intolerance, exacerbating existing vulnerabilities and increasing protection challenges for vulnerable populations around the world. Women and girls are often disproportionately impacted by atrocities, and the international community must integrate a gender lens to preventing and responding to atrocities. More than ever, prioritizing the protection and promotion of human rights remains critical to uphold our shared responsibility to help protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

History has taught us that genocide and other atrocities do not occur without warning – rather, they are often preceded by long-standing patterns of human rights violations and abuses, discriminatory policies and practices and the exclusion and targeting of vulnerable groups. It is therefore our belief that genocide and other atrocities are preventable if early warning signs and risk factors are taken seriously and action is taken to address them. The UN human rights system – including the Office of the High Commissioner for Human Rights, Special Procedures, the Universal Periodic Review (UPR), Treaty Bodies and other relevant Geneva-based human rights mechanisms and procedures – can play a particular role in helping governments better understand and identify existing gaps and opportunities to mitigate unique risk factors particular to their country, and to provide necessary recommendations to prevent crises from escalating. At the same time, by investigating past atrocities, identifying root causes and contributing to processes of accountability, HRC investigative mechanisms can play a vital role in contributing to non-recurrence of atrocity crimes.

Although Special Rapporteurs and other Independent Experts are often the first ones to warn of risk factors leading to genocide and other atrocities, the international community is not yet systematically utilizing Special Procedures as a mechanism to identify and address risk factors for atrocities. Furthermore, progress can be made in utilizing the UPR to institutionalize genocide and atrocity prevention by encouraging States to conduct national risk assessments. We encourage States to provide targeted, atrocity prevention-related recommendations to other governments under review; and to ensure that relevant Special Procedures are directed to conduct atrocity risk assessments in accordance with their mandates.

At the national level, the UN human rights system has a unique potential in identifying areas for domestic reform, including protections for women and persons belonging to minorities, legislation against incitement to violence or strengthening atrocity prevention through education curricula that promote diversity, foster social solidarity and acknowledge past atrocities. Governments should utilize the information provided through Geneva-based human rights mechanisms to design holistic, government-wide atrocity prevention strategies and policies to assess and identify national vulnerabilities, strengthen societal resilience and build strong national mechanisms and institutions to mitigate risk factors and prevent or respond to atrocity risks.

As emphasized in Resolution 43/29, civil society organizations (CSOs) are also instrumental in raising alarm when risk factors emerge. We call on States to systematically work with CSOs, national human rights defenders and national human rights institutions to strengthen domestic prevention policies. Many upstream risk factors for vulnerable populations require addressing cross-cutting issues and integrating policies and programs through systemic change. When states work with communities and non-government actors to generate change, success is more likely.

We strongly encourage the application of the [UN Framework of Analysis for Atrocity Crimes](#) by all relevant mechanisms and procedures. We also encourage the Joint Office to update the framework based on best practices and lessons learned since 2014 and to develop additional guidance and tools for member states on atrocity prevention. Active and intensified collaboration with the office of the Special Adviser can help the HRC to better address escalating crises more effectively and discuss options for how to appropriately respond. In this regard we urge the office of the Special Adviser, in line with her mandate, to share its analyses of specific situations and dynamics of atrocity crimes with the wider UN membership and regularly provide the necessary early warning assessments and recommendations on how to prevent atrocities, including to the Human Rights Council.

We would also like to note with appreciation the recently adopted UN General Assembly resolution that put responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity permanently on the General Assembly agenda and requests the Secretary-General to report.

In this context, we also welcome the recent discussion on national implementation of R2P and the prevention of genocide and other atrocities in the context of the Intersessional Panel Discussion to mark the 15th anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which took place on 11 May. We wish to thank Member States for sharing domestic initiatives to strengthen societal and institutional resilience to atrocities, and for the role of technical assistance and capacity building through the Office of the High Commissioner for Human Rights (OHCHR) and other mechanisms and procedures in strengthening domestic implementation of R2P. We believe that this discussion helped to advance the genocide and atrocity prevention agenda across the UN human rights system.

Madame Special Adviser, how can governments contribute to further advance the atrocity prevention agenda and enhance systematic exchange and engagement between your office and the UN human rights system?

Thank you.