

Atrocity Prevention and the UN Human Rights Council's 52nd Session

The 52nd regular session of the UN Human Rights Council (HRC) was held in Geneva between 27 February and 4 April 2023. As the primary international human rights body, the HRC 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 52nd session as they relate to the Responsibility to Protect (R2P), atrocity prevention and populations at risk of atrocity crimes. During the session, Costa Rica and Luxembourg delivered two statements on behalf of the [Group of Friends of R2P](#).

MASS ATROCITY SITUATIONS AND THE HRC

RESOLUTIONS

Democratic People's Republic of Korea (DPRK)

During an Interactive Dialogue on 20 March, the Special Rapporteur on the situation of human rights in the [Democratic People's Republic of Korea \(DPRK\)](#), Elizabeth Salmón, presented a report expressing concern about the continued human rights violations faced by women and girls in the DPRK. She stressed that women and girls who are in detention facilities, who attempt to escape the DPRK, particularly when crossing the border into China, or who work in the *jangmadang*, or informal markets, are vulnerable to gendered power imbalances that can exacerbate the harm caused by violations and abuses. In the report dated 27 February, the Special Rapporteur warned that domestic and sexual violence are widespread and normalized in the DPRK and called upon the government to establish mechanisms that protect victims and survivors, as well as to enact and effectively implement policies to prevent such abuses. Moreover, the Special Rapporteur encouraged member states to consider strategies required to prosecute high- and low-ranking perpetrators at the International Criminal Court (ICC). The HRC adopted a resolution by consensus, reiterating deep concern about the systematic, widespread and gross human rights violations that in many instances constitute crimes against humanity. The resolution renewed the mandate of the Special Rapporteur for one year and requested the High Commissioner for Human Rights to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders. The resolution also recalled the “responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity.”

Iran

During an Interactive Dialogue on 20 March, the Special Rapporteur on the situation of human rights in Iran, Javād Rehman, presented his latest report. The report, dated 7 February, found that the scale and gravity of violations committed by Iranian authorities in recent months may amount to the crimes against humanity of murder, imprisonment, enforced disappearances, torture, rape and sexual violence and persecution. The Special Rapporteur emphasized in his oral briefing that “the most serious human rights violations in the Islamic Republic of Iran over the past four decades” have been committed since the death of Jina Mahsa Amini on 16 September and stressed that her death was one incident in a long series of extreme violence committed against women and girls by Iranian authorities. The Special Rapporteur documented the use of unlawful lethal force by Iranian security forces against demonstrators since Amini's death, including evidence of unarmed protesters struck by live ammunition or beaten to death. More than 520 people, including 71 children, have been killed, hundreds severely injured and over 22,000 people arrested. In addition, the Special Rapporteur further reported on “exponentially increasing” human rights violations in the country, including the disproportionate use of the death penalty against persons belonging to ethnic and religious minorities. In a resolution adopted on 4 April, the HRC renewed the mandate of the Special Rapporteur for one year, with 23 votes in

favor, 8 against and 16 abstentions. The resolution requested the Special Rapporteur to submit a report at the 55th session of the HRC and strongly deplored the widespread, repeated and persistent violations of human rights in Iran.

Israel and the Occupied Palestinian Territory

On 3 March the HRC held an Interactive Dialogue on the latest report of the UN High Commissioner for Human Rights, Volker Türk, on the situation in the [Occupied Palestinian Territory](#), including East Jerusalem, and the obligation to ensure accountability and justice. The report from 13 February found that lethal force had been frequently employed by the Israeli security forces, resulting in 131 Palestinians killed over the past year outside any context of hostilities. In his remarks to the HRC, High Commissioner Türk emphasized that over half a century of occupation of Palestinian territory has led to widening dispossession, deepening deprivation and recurring and severe violations of Palestinians' rights, including the right to life. The High Commissioner also stressed that collective punishments, prohibited by international law, are increasingly imposed on Palestinians by Israel and that more than 270 Israeli settlements are fragmenting Palestinian territory. On 3 April the HRC passed a resolution, with 38 votes in favor, 2 against and 7 abstentions, which called for a series of steps to be taken by Israel to cease occupation of Palestinian territory and all other "illegal action" and stressed the importance of accountability for all violations of international law. The resolution requested a report from the High Commissioner on implementation at the 55th session of the HRC. Two other resolutions on Israeli settlements and on Palestinians' right to self-determination were also adopted.

Libya

During an Interactive Dialogue on 31 March, the Independent Fact-Finding Mission on [Libya](#) (FFM) presented their final report dated 24 March, which focused on the exploitation of migrants and repression of dissent in Libya since 2016. The FFM established that there are reasonable grounds to believe that migrants across Libya are victims of crimes against humanity and that acts of murder, enforced disappearance, torture, enslavement, sexual slavery, rape and other inhumane acts are committed in connection with their arbitrary detention. These crimes are committed under the control of Libya's Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus. The FFM warned that these entities received technical, logistical and monetary support from the European Union and some of its member states for, inter alia, the interception and return of migrants. The FFM further warned that patterns of gross violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) continue unabated. The FFM urged the HRC to establish an independent, international investigative mechanism and called on the Office of the UN High Commissioner for Human Rights (OHCHR) to establish a distinct and autonomous mechanism with a mandate to monitor and report on gross human rights violations in Libya, with a view to assisting the Libyan authorities in achieving transitional justice and accountability. On 4 April the HRC adopted a resolution that requested OHCHR to provide technical assistance and capacity-building and to present a written report to the HRC at its 55th session during an Interactive Dialogue. The resolution fell short of renewing the mandate of the FFM or establishing a follow-up investigation mechanism to ensure ongoing scrutiny and report on possible atrocity crimes.

Mali

During an Interactive Dialogue on 31 March, the Independent Expert on the situation of human rights in [Mali](#), Alioune Tine, presented his latest report, noting that the security and human rights situation has deteriorated considerably in the past year, with civilians in nearly all regions of Mali facing the presence, attacks and acts of violence by armed Islamist groups and militias. In the report dated 23 January, the Independent Expert warned that international crimes continue to be committed with complete impunity and noted that there has been no significant progress on trials of alleged perpetrators of human rights violations and abuses, as well as violations of IHL. The Independent Expert recommended that the ICC open investigations to establish responsibility for crimes being committed in Mali. The Independent Expert also expressed deep concern regarding the continued shrinking civic space and harassment and incitement to violence against civil society and human rights institutions and organizations, noting that civil society had "almost entirely disappeared" as Malian authorities are reputedly "suffocating" the work of human rights defenders. The Independent Expert emphasized that respect for and protection of human rights and fundamental freedoms are essential for ensuring an inclusive transition and return to constitutional order as Malian authorities prepare for elections in 2024. In a positive development, the Independent Expert welcomed legislation on reparations for human rights violations, as well as the adoption of the draft text to create a National Human Rights Directorate. On 4 April the HRC adopted by consensus a resolution on technical assistance and capacity-building for Mali, renewing the mandate of the Independent Expert for one year and requested the Independent Expert to submit a report at its 55th session.

Myanmar (Burma)

On 6 March the High Commissioner presented a report to the HRC on human rights violations that occurred in [Myanmar](#) between 1 February 2022 and 31 January 2023. The report, dated 2 March, determined that two years since the coup, the military has perpetrated killings, arbitrary arrests, torture, forcible disappearances and the prosecution and sentencing of anti-coup opponents. The report said that the military has likely perpetrated war crimes and crimes against humanity throughout the country since the coup. On 20 March the UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, presented his annual report to the HRC, condemning the human rights crisis and urging member states to form a coalition to respond to the situation. During the session Special Rapporteur Andrews also issued a conference room paper entitled “Illegal and illegitimate: examining the claim by the Myanmar military to be the Government of Myanmar, and the international response thereto.” The paper concluded that the military coup was illegal and the military’s claim to the government is illegitimate. The paper further detailed interactions between member states and the military since the coup and urged the international community to publicly reject any military claims to legitimacy. On 19 December OHCHR also released a summary of a June 2022 panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar. The panel discussion showed that the root causes of the Rohingya crisis – including the lack of accountability for human rights violations against the Rohingya and other minorities, continuing impunity enjoyed by the military, and lack of recognition of Rohingya identity – had yet to be addressed and were further exacerbated by the coup. On 4 April the HRC adopted a resolution by consensus that expressed concern about the human rights situation in Myanmar and extended the mandate of the Special Rapporteur for one year. The resolution requested the Special Rapporteur to present an oral progress report to the HRC at its 53rd session and to submit a written report to the Third Committee of the General Assembly at its 78th session and to the HRC at its 55th session.

Nicaragua

During an Interactive Dialogue on 6 March, the Group of Human Rights Experts on [Nicaragua](#) (GHREN) presented their first written report. The report, dated 2 March, found that widespread human rights violations and abuses committed against civilians by the government of Nicaragua may amount to crimes against humanity. The report also found that alleged violations and abuses, including extrajudicial executions, detentions, torture, arbitrary deprivation of nationality and of the right to remain in one’s own country, are the product of the deliberate dismantling of democratic institutions and the destruction of civic and democratic space. The GHREN emphasized that such violations and abuses are being perpetrated in a widespread and systematic manner for political reasons, constituting the crimes against humanity of murder, imprisonment, torture, including sexual violence, deportation and politically motivated persecution. The report also found that high authorities within the government have instrumentalized the executive, legislative, judicial and electoral branches with the objective to eliminate any opposition in the country. On 3 April the HRC adopted a resolution with a vote of 21 in favor, 5 against and 21 abstentions renewing the mandate of the GHREN for an additional two years, in line with a [Joint NGO letter](#) from 15 December. The resolution expressed profound alarm about the findings of possible crimes against humanity and requested the GHREN to submit a report to at the HRC’s 55th and 58th sessions, as well as oral updates at its 54th and 57th sessions. The resolution requested the Secretary-General to provide the GHREN with full administrative, technical, security and logistical support and resources. The resolution further requested the High Commissioner to strengthen monitoring and engagement, including by preparing comprehensive and gender-responsive reports on the situation in Nicaragua, and to present at the HRC’s 54th and 57th sessions, as well as to present oral updates before the end of 2023 and 2024 in the context of Interactive Dialogues.

South Sudan

The Commission on Human Rights in [South Sudan](#) (CHRSS) presented its annual report, as well as a conference room paper entitled “State of Impunity: the persistence of violence and human rights violations in South Sudan,” warning that nearly all of the risk factors in the UN’s Framework of Analysis for Atrocity Crimes remain present. The CHRSS’s annual report detailed ongoing gross human rights violations and atrocities, including widespread attacks against civilians, conflict-related sexual violence against women and girls, forced displacement and extrajudicial killings. The violations and abuses have been perpetrated by members of the South Sudanese armed forces, various militias and armed groups. The CHRSS identified the absence of accountability as a major driver of the human rights and humanitarian crisis. On 13 February the Global Centre [joined](#) more than 90 other organizations in urging HRC members to support a two-year extension of the mandate of the CHRSS, emphasizing that the Commission is the only mechanism tasked with collecting and preserving evidence of violations of IHRL and IHL. Despite the risks outlined by the CHRSS, the Africa Group tabled a second resolution which aimed to provide technical assistance and capacity-building in an apparent attempt to end CHRSS investigations. For the third consecutive year, the HRC adopted two

resolutions on South Sudan. In a resolution adopted by a vote of 19 in favor, 9 against and 19 abstentions, the HRC renewed the mandate of the CHRSS, recalling that “the Government of South Sudan has the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity.” The second resolution, which was adopted by consensus, requested the High Commissioner to provide the government with technical assistance and capacity-building, including for the establishment of the transitional justice institutions under Chapter V of the Revitalized Peace Agreement.

Syria

During an Interactive Dialogue on 21 March, one week after the crisis in [Syria](#) entered its 13th year, the Commission of Inquiry (CoI) on Syria presented their latest report to the HRC. The report, dated 7 February, emphasized that parties to the conflict continue to perpetrate violations of human rights and IHL against civilians in Syria, including indiscriminate attacks in the northwest which likely amount to war crimes. During the Interactive Dialogue, the CoI noted that arbitrary arrests and torture, enforced disappearances and deaths in detention continue to be perpetrated systematically by all parties. The CoI also found that the suffering inflicted on the 56,000 persons detained in al-Hol and al-Roj camps, run by the Syrian Democratic Forces in northeast Syria, may amount to the war crime of committing outrages on personal dignity. The CoI also highlighted that following the recent earthquakes in Syria, parties to the conflict instrumentalized, politicized and impeded aid to victims in northwest Syria, rendering it an “epicenter of neglect.” In a resolution adopted on 4 April, the HRC renewed the mandate of the CoI for one year, with 26 votes in favor, 5 against and 16 abstentions. The resolution demanded that the Syrian government “meet its responsibility to protect the Syrian population.” In the resolution, the HRC welcomed the findings of the Secretary-General in his report on how to bolster efforts to clarify the fate and whereabouts of missing people in Syria and expressed its strong support for the timely implementation of a humanitarian mechanism in this regard.

Ukraine

From 20-21 March the HRC held an Interactive Dialogue with the CoI on [Ukraine](#). The CoI presented its latest report, dated 15 March, noting that the conflict continued to inflict suffering on the civilian population. According to the CoI, Russian authorities perpetrated a wide range of violations of IHL and IHRL that may amount to war crimes, including killings, torture, inhumane treatment, unlawful confinement, rape and unlawful transfers and deportations of children. The CoI emphasized that the wave of attacks by Russian armed forces on Ukraine’s energy-related infrastructure since October, as well as the use of torture by Russian authorities, may amount to crimes against humanity. The CoI also highlighted a widespread pattern of summary executions in Russian-occupied areas, unlawful confinement and sexual and gender-based violence. The CoI stressed that a comprehensive approach to accountability that encompasses both criminal responsibility for all violations and crimes, as well as the victims’ right to truth, reparations and guarantees of non-recurrence, is essential. On 4 April the HRC adopted a resolution renewing the mandate of the CoI for one year with a vote of 28 in favor, 2 against and 17 abstentions.

On 31 March the HRC held an Interactive Dialogue with the High Commissioner on the findings of OHCHR’s report, dated 24 March. Since the invasion on 24 February 2022 OHCHR has verified more than 8,400 civilian deaths and over 14,000 civilians wounded, with most casualties resulting from the use of wide-impact explosive weaponry in residential neighborhoods by Russian forces. OHCHR also documented cases of summary executions, enforced disappearances, arbitrary detention, sexual violence, torture and ill-treatment and targeted attacks on civilians. Ukrainian civilians, including unaccompanied children, have allegedly been transferred to occupied territory or to the Russian Federation, which may constitute violations of Article 49 of the Fourth Geneva Convention. High Commissioner Türk noted that his Office had repeatedly expressed concern regarding the commission of war crimes and that OHCHR would continue to monitor, assess and report with regard to further crimes, including possible crimes against humanity. High Commissioner Türk emphasized that it is essential that international monitors and the staff of the UN Human Rights Monitoring Mission in Ukraine receive unfettered access to occupied areas of Ukraine.

ADDITIONAL INTERACTIVE DIALOGUES AND REPORTS

Afghanistan

During an Interactive Dialogue on 6 March, the Special Rapporteur on the situation of human rights in [Afghanistan](#), Richard Bennett, presented his latest report. The report, dated 9 February, detailed a series of violations targeting women and girls, particularly increasing restrictions on their movement, attire, employment options and access to public space and education. According to the report, the Taliban de facto authorities also continue to flagrantly violate

the Convention on the Elimination of All Forms of Discrimination against Women. The Special Rapporteur highlighted that these violations are increasing the risks of violence and abuse faced by women and girls and that the Taliban de facto authorities continue to perpetrate systematic violations of the rights of women and girls, likely amounting to the crime against humanity of gender persecution. The Special Rapporteur further reported that ethnic and religious minorities – including Hazara Shias, other Shia Muslims, Sikhs and Sufis – also continue to endure threats and targeted attacks. The Special Rapporteur also warned of an emerging pattern of forced evictions and land grabbing based on ethnicity or political association. The report also documented extrajudicial killings, arbitrary arrests, enforced disappearances and instances of torture and ill-treatment.

Central African Republic

During a High-Level Dialogue on the human rights situation in the [Central African Republic \(CAR\)](#) on 31 March, High Commissioner Türk warned that populations continue to endure a relentless and unpredictable cycle of violence, as abuses and violations of IHL and IHRL perpetrated by armed groups, defense and security forces and personnel from private military and security companies continue. The Independent Expert on the situation of human rights in CAR, Yao Agbetse, highlighted that the situation of children is alarming, with hundreds subjected to grave violations, including killings, forced recruitment, arbitrary detention and conflict-related sexual violence. While acknowledging that marginal progress has been made towards holding some perpetrators accountable for war crimes and crimes against humanity, High Commissioner Türk and the Independent Expert stressed that pervasive impunity remains one of the biggest challenges. High Commissioner Türk called on all parties to put an end to the atrocities and recalled that the CAR authorities have a responsibility to ensure better protection of civilians and to hold all perpetrators to account.

Democratic Republic of the Congo

On 30 March the HRC held an Enhanced Interactive Dialogue on the oral updates by the High Commissioner and the Team of International Experts on the human rights situation in the [Democratic Republic of the Congo \(DRC\)](#). The Special Representative of the Secretary-General in the DRC, Bintou Keita, reported that since her October 2022 update, the human rights and security situation has deteriorated, particularly in North Kivu and Ituri provinces, where armed groups continue to carry out widespread attacks against civilians and villages with impunity. At least 1,338 people, including 107 children, have been killed in North Kivu and Ituri since October. The UN Joint Human Rights Office in the DRC is supporting judicial processes regarding the reported mass killings in Ituri and North Kivu during January and November respectively. Bacre Waly Ndiaye, President of the Team of International Experts, welcomed the opening of cases on crimes against humanity and encouraged the military and judiciary to close investigations and accelerate prosecutions. High Commissioner Türk noted with concern the systematic efforts to prevent journalists and civil society actors from investigating allegations involving the security forces, particularly in conflict areas. All presenters condemned the proliferation of disinformation, hate speech and incitement to hostility against certain ethnic groups and called on the Congolese authorities to take additional steps to combat incitement to hatred and discrimination.

Eritrea

On 6 March the HRC held an Enhanced Interactive Dialogue on the situation of human rights in [Eritrea](#) with the Special Rapporteur on Eritrea, Dr. Mohamed Abdelsalam Babiker, the Deputy High Commissioner for Human Rights, Nada al-Nashif, and Eritrean activist Vanessa Tsehaye. The Special Rapporteur highlighted that ongoing patterns of enforced disappearances may constitute a crime against humanity and urged the HRC to exert maximum pressure on authorities to address the disappearance of many Eritreans, spanning decades. The Special Rapporteur also observed persistent and deteriorating human rights violations linked to the system of indefinite national/military service while the Deputy High Commissioner warned that roundups for conscriptions have intensified following the conflict in neighboring [Ethiopia](#). Independent investigations previously found that Eritrean forces, allied with Ethiopia's federal government, allegedly perpetrated widespread abuses during the conflict in Tigray. The Deputy High Commissioner documented ongoing torture, arbitrary detention and inhumane conditions of detention, restrictions of the rights to freedoms of expression, of association, and of peaceful assembly in Eritrea, and noted that these violations and abuses continue in a context of pervasive impunity. The Deputy High Commissioner also warned that no person has been held accountable for crimes against humanity as documented by the CoI on Eritrea in 2016. Eritrea – a current member of the HRC – continues to refuse cooperation with the UN human rights system.

Ethiopia

On 21 March the HRC held an Interactive Dialogue with the International Commission of Human Rights Experts on the situation of human rights in Ethiopia (ICHREE). In his briefing to the Council, the Chair of the ICHREE, Mohamed

Othman, said that the situation in Ethiopia has evolved significantly since the ICHREE presented its first report in September 2022 in light of the Cessation of Hostilities Agreement signed in November 2022. During the Interactive Dialogue, the ICHREE said they continue to investigate violations perpetrated in the context of the conflict, as well as allegations of serious violations and abuses committed since the signing of the peace agreement in November 2022. In addition to the violations covered in its first report – including attacks on civilians, sexual and gender-based violence and denial of humanitarian assistance, which they conclude may amount to war crimes and crimes against humanity – the ICHREE is also focusing on other possible violations, including arbitrary detention, violation of children’s rights and hate speech. On 15 February the Ethiopian government announced its intention to introduce a resolution that would pre-emptively terminate the mandate of the ICHREE, but subsequently fell short of tabling a draft text. During the Interactive Dialogue, delegations emphasized that cooperation with national and international human rights mechanisms on accountability and transitional justice is essential and called on parties to the conflict to grant the ICHREE unhindered access to ensure the Commission can implement its mandate.

Sudan

On 3 March the High Commissioner delivered an oral update on the situation of human rights in [Sudan](#). He welcomed the positive steps taken by the Sudanese authorities, including the ongoing consultations between military authorities and civilian political forces, as well as the signing of the political framework agreement in December 2022 as a first step toward restoring civilian rule. Despite a decrease in violence, the High Commissioner said that instances of killings and injuries of protesters continue to be reported. High Commissioner Türk urged the Sudanese authorities to instruct security forces to respect human rights and international standards on the use of force and firearms, to respect the right to peaceful assembly and protest, and to hold all those responsible for human rights violations and abuses to account. The High Commissioner also raised concern about the backsliding with regard to the important gains made by women, as they have increasingly fallen victim to hate speech, intimidation and harassment. Delegations underlined the importance of Sudan returning to a transition process toward democracy with respect for human rights and the rule of law at its core. Delegations also expressed concern about the fragile political situation characterized by a serious increase in violence and human rights abuses since the military takeover in various parts of the country and emphasized the importance of justice and accountability for past atrocities.

Venezuela

The HRC held two Interactive Dialogues on the situation of human rights in [Venezuela](#). During the first Interactive Dialogue on 21 March, the High Commissioner delivered an oral update following his January 2023 visit to Venezuela. The High Commissioner expressed his deep concern about individuals that remain in arbitrary detention, as well as ongoing attacks, intimidation and criminalization of human rights defenders and journalists. He echoed the pleas for justice that were heard from victims and noted that victims and their families must be afforded their right to reparation and guarantees of non-repetition. During a subsequent Interactive Dialogue on 22 March, the Fact-Finding Mission (FFM) on Venezuela – which previously found that the Venezuelan government is committing possible crimes against humanity in attempts to crush political dissent – presented their oral update to the HRC, warning that at least 282 individuals, both civilian and military, remain in arbitrary detention, and new selective detentions continue to occur. The FFM warned that patterns of extrajudicial executions persist, and cited 716 cases in 2022 alone, as recorded by Venezuelan NGO Control Ciudadano. The FFM echoed concerns made by a coalition of NGOs [on 26 January](#), warning that repression of civic space, including against human rights defenders, trade unionists, journalists, humanitarian personnel and other organized civil society, as well as political leaders, have persisted and in some cases increased in recent months. Both the High Commissioner and the FFM emphasized strong concern regarding a draft bill from 24 January which, according to the FFM, would entail an abusive control by the state over the existence, financing and activities of NGOs in Venezuela. During both Interactive Dialogues, a large number of cross-regional delegations expressed equal concern about the draft legislation to further restrict civic space, and in this context highlighted the need for maximum HRC scrutiny as Venezuela prepares for scheduled elections in 2024 and 2025.

RELEVANT THEMATIC AREAS

RESOLUTIONS

Freedom of religion or belief

In a report dated 30 January, the Special Rapporteur on freedom of religion or belief, Nazila Ghane, highlighted that her outreach to religious leaders touches on many issues, from addressing hate speech and atrocity crimes to human

rights more broadly. She stressed that religion or belief prejudices can result in international crimes. However, the Special Rapporteur also noted that in recent years, there has been a proliferation of references to “persecution” and “genocide” in the freedom of religion or belief arena, and warned that the overuse of these terms can become counterproductive and unhelpful to the victims themselves. On 3 April the HRC adopted a resolution by consensus, which requested the Special Rapporteur to report annually to the HRC and the General Assembly.

Human rights defenders

In a report dated 21 December, the Special Rapporteur on human rights defenders, Mary Lawlor, emphasized the crucial role of a number of NGOs working to document human rights violations in the context of the Russian invasion of Ukraine. During an Interactive Dialogue with the Special Rapporteur on 15 March, the Group of Friends of R2P delivered a statement highlighting the crucial role of human rights defenders in contributing to the implementation of R2P. On 3 April the HRC adopted a resolution by consensus to renew the mandate of the Special Rapporteur for three years, in line with a [joint NGO call](#) from 27 February.

Minority issues

In a report dated 26 January, the Special Rapporteur on minority issues, Fernand de Varennes, highlighted myriad instances of UN institutions failing to act in a timely and effective manner to human rights and humanitarian crises – particularly when it comes to minorities – such as in the responses to the mass imprisonment of members of the Uyghur and Muslim minorities in the Xinjiang Uyghur Autonomous Region (XUAR) of [China](#), the genocides and crimes against humanity committed against the Tutsi minority in Rwanda and against the Muslim minority in Bosnia and Herzegovina, as well as the systemic denial of citizenship rights for the Rohingya minority in Myanmar. The Special Rapporteur highlighted the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and stressed that the atrocities committed during World War Two against Jewish, Roma and other minority populations, as well as the instrumentalization of grievances against minority groups as pretexts for aggression, were important factors when the General Assembly first adopted the Genocide Convention. On 3 April the HRC adopted a resolution by consensus, renewing the mandate of the Special Rapporteur for three years.

OHCHR published a report dated 4 January on the rights of persons belonging to national or ethnic, religious and linguistic minorities. The report recalled that after concluding its first mission in August 2022, the ICHREE warned of the potential for further atrocities in Ethiopia and that during the 50th session of the HRC the ICHREE expressed alarm stating that, “any spread of violence against civilians, fueled by hate speech and incitement to ethnic-based and gender-based violence, are early warning indicators and a precursor for further atrocity crimes.” The report further noted that during the opening of the 15th session of the Forum on Minority Issues on 1 December, the High Commissioner referred to the fact that serious violations of minority rights continued to be at the core of many violent conflicts around the world. The High Commissioner stressed that past genocides have demonstrated the dangers of hate speech directed against minorities, stressing that exclusion, hostility and violence must be decisively addressed at different levels.

Sale and sexual exploitation of children

In a report dated 26 January, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh, recalled that in 2018, the Security Council emphasized the responsibility of all states to investigate and prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children. The Special Rapporteur also noted that many states have made advances in integrating legislative frameworks concerning reparation into their domestic jurisdiction. The Yazidi Survivors Law, passed by the Council of Representatives of Iraq on 1 March 2021, promises a number of reparation measures, including financial, medical and psychological support; the provision of land, housing and education for Yazidi, Turkmen, Christian and Shabak communities against whom acts of genocide and crimes against humanity were perpetrated by the so-called Islamic State of Iraq and the Levant. On 4 April the HRC adopted a resolution by consensus, renewing the mandate of the Special Rapporteur for three years.

Torture and other cruel, inhuman or degrading treatment or punishment

In a report dated 13 March, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, recalled the duty to investigate and prosecute torture as genocide, war crimes or crimes against humanity. The Special Rapporteur referred to the cases of Ethiopia, Guinea-Bissau, Lesotho and Uruguay when highlighting that the most common shortcomings in national legal frameworks include qualifying torture as a crime only when committed as part of a crime against humanity or a war crime. The report further highlighted how Australia

established a specialized investigation unit in 1987 to pursue alleged Nazi war criminals who had immigrated to the country following World War II, as well as the establishment of an additional unit in 2020 to investigate potential war crimes committed during Australia's engagement in Afghanistan from 2005–2016. The report noted developments in pursuing accountability for torture at the domestic level, including with the use of the principle of universal jurisdiction. Finally, the Special Rapporteur encouraged international and national organizations supporting governments in developing national accountability frameworks to ensure that torture is codified as a serious criminal offence in criminal law, alongside efforts to legislate torture as a war crime and crime against humanity. On 3 April the HRC adopted a resolution by consensus, which renewed the mandate of the Special Rapporteur for three years.

Right to food

In a report dated 29 December, the Special Rapporteur on the right to food, Michael Fakhr, noted that famine may be considered a crime against humanity because such crimes are generally referred to as “systematic or mass violations of human rights.” Despite famine often being triggered by armed conflict, there is currently no legal argument that famine is a war crime. Moreover, international criminal accountability recognizes starvation as a war crime only when it is deliberately inflicted. The Special Rapporteur recalled that the Group of Eminent Experts on Yemen documented possible war crimes, including the use of starvation as a military tactic and systematic restrictions imposed on the accessibility of the Yemeni population to vital supplies, including food and water. The report noted that the starvation of civilians as a method of warfare, including by denying access to food and willfully impeding the delivery of relief supplies, constitutes a serious violation of the laws and customs applicable to international armed conflict and amounts to a war crime. The Special Rapporteur recalled that in 2018, Switzerland, with the support of the Netherlands, led the adoption of the amendment to the Rome Statute to include starvation in the list of recognized war crimes that can be committed in non-international armed conflicts. The Special Rapporteur encouraged all states to accept and/or ratify the amendment. As highlighted during the Interactive Dialogue on 9 March, armed conflict in one food-exporting region can lead to hunger and famine in regions that are not under conflict. Pursuing accountability for food-related war crimes should not preclude addressing pressing structural reasons leading to widespread severe violations of the right to food in conflict regions and beyond. On 3 April the HRC adopted a resolution on the right to food which requested the Special Rapporteur to report annually to the HRC and to the General Assembly on his mandate.

ADDITIONAL INTERACTIVE DIALOGUES AND REPORTS

Children and armed conflict

In a report dated 9 January, the Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba, noted that attacks against humanitarian workers assisting children are prohibited under IHL and may constitute a war crime and a crime against humanity. As such, member states have the primary responsibility to protect, respect and fulfill children's rights, including in situations of armed conflict, regardless of their age, gender or status, country of origin or location. The report also noted that in order to discuss increased cooperation, the Special Representative met with the Special Adviser to the Secretary-General on the Prevention of Genocide in October 2022 and with the Special Adviser to the Secretary-General on the Responsibility to Protect in September 2022.

Promotion and protection of human rights and fundamental freedoms while countering terrorism

In her report dated 1 March, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, noted that biometric tools have become a standard instrument of law enforcement and administrative agencies, including for civil identification, criminal justice and border management. The Special Rapporteur recalled that, while biometric tools have been used successfully for legitimate public interest purposes, they have also been employed in connection with gross human rights violations, atrocity crimes and oppressive and authoritarian regimes. In this regard, the Special Rapporteur raised concern regarding the collection of biometric data of vulnerable populations and persons in diverse contexts, including in conflict zones such as Iraq and Afghanistan. The Special Rapporteur also recalled that special procedure mandate holders and the Committee on the Elimination of Racial Discrimination have raised concerns about the use of such technologies by China in XUAR in the context of its Counter-Terrorism Law and implementing measures in the region.

ANNEX 1 – Statement by the Group of Friends of the Responsibility to Protect during the Interactive Dialogue with the Special Rapporteur on Human Rights Defenders

15 March 2023

Mr. President,

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

The participation of Human Rights Defenders (HRDs) and wider civil society (CSOs) is a cornerstone of the HRC and wider UN human rights system. We thank the Special Rapporteur for her report and her continuous strong leadership. By gathering information on risks for HRDs as well as engaging with and providing recommendations to governments on how to preserve and strengthen their commitment to human rights and fundamental freedoms, the Special Rapporteur contributes to the greater protection and recognition of HRDs around the world. In this regard, we would also like to highlight this year's 25th anniversary of the Declaration on human rights defenders, which forms the cornerstone of the Special Rapporteur's annual report. We also thank the Special Rapporteur for highlighting, in her latest report, the crucial role of NGOs documenting and collecting information on war crimes and other violations of international law and provide this information to UN human rights mechanisms and institutions.

As highlighted by the UN Secretary General in his annual report on the Responsibility to Protect in 2019, HRDs are vital actors in documenting, mitigating, and preventing human rights violations and abuses, including those at risk of escalating into atrocity crimes. HRDs and CSOs are often the first to witness warning signs and risk factors of atrocity crimes and are equipped with in-depth understanding and expertise that states should incorporate into any atrocity prevention response.

HRDs and civil society organizations are also at the forefront of promoting justice and accountability, monitoring and reporting on international law violations, working directly with affected communities and mobilizing action on the national, regional and multilateral levels when warning signs or risk factors of atrocity crimes emerge, or to maintain international attention on protracted crises. HRDs also stand in solidarity with one another and with vulnerable populations around the world, taking collective and proactive steps to spur the international community into action to prevent atrocity crimes and uphold the Responsibility to Protect (R2P). In addition, HRDs are also central stakeholders in working with government to deepen their understanding of the Responsibility to Protect and build local, regional and international capacity to better protect populations under threat, including through action at the Human Rights Council (HRC).

We welcome the Special Rapporteur's emphasis on the successes of HRDs in promoting human rights and fundamental freedoms and the protection of those rights and freedoms around the world, including in advancing justice, changing legislation, protecting the vulnerable and contributing to holding perpetrators accountable for violations and abuses. Often, this is done at great risk or danger for themselves and their families. Around the world, HRDs, including those working in atrocity prevention, are at risk of, or are experiencing, repression or arbitrary restrictions on their work, preventing them from carrying out their work safely. This may include harassment, undue restrictions, reprisals, arbitrary criminal proceedings or attacks, including extrajudicial killings. Many HRDs also operate in a context of serious legal and administrative obstacles with domestic laws used to limit or jeopardize their work.

This not only puts at risk the safety and security of HRDs and CSOs documenting human rights violations and abuses and providing relief for populations in need but can also have disastrous consequences for vulnerable communities dependent on the support of local and national civil society actors. We therefore condemn, in the strongest terms, actions taken that limit or endanger the crucial work of HRDs and call on all states to uphold their obligations under international law and protect the vital role of HRDs and civil society organizations. We also call on all governments to systematically engage with local actors, particularly victim and survivor communities and others affected by atrocities, to develop prevention strategies and responses that are rights-based and community-informed, to better prevent atrocity crimes before they occur.

Thank you.

ANNEX 2 – Statement by the Group of Friends of the Responsibility to Protect during the General Debate under Item 9

30 March 2023

Mr. President,

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

While racism and racial discrimination, xenophobia and related forms of intolerance may develop over a long period, an escalation into mass atrocities can happen swiftly. The UN Framework of Analysis for Atrocity Crimes lists marginalization, exclusion, hate speech, and hate crimes as potential risk factors, which may increase a country's vulnerability to genocide, crimes against humanity, war crimes or ethnic cleansing.

History teaches that no society is immune to discrimination, and the rise in openly racist hate speech in recent years, including by heads of state and government, is a stark reminder that political rhetoric may quickly turn into incitement to violence. COVID-19 has exposed a shocking increase in racist language and violence, often accompanied by stereotyping, stigmatization and the use of derogatory language, especially against vulnerable groups or persons at risk.

Atrocity prevention is a continuous process that requires constant engagement and dialogue with all actors, as well as an unwavering commitment to fighting racism at every level. This includes strengthening legislative and institutional frameworks, eliminating racial discrimination in political and public offices, and investigating, condemning and sanctioning when appropriate cases of racist or discriminatory behavior or hate speech.

It is our responsibility to recognize early warning signs and react swiftly and decisively to protect populations at risk, but also to confront deeply entrenched racism.

Thank you.